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A
L E T T E R

ADDRESSED TO THE
CATHOLIC CLERGY of ENGLAND,
ON THE
APPOINTMENT OF BISHOPS.

—
SECOND EDITION.
—

TO WHICH ARE ADDED
FURTHER CONSIDERATIONS
ON THE SAME SUBJECT,

AND ON THE
Conduct of the English Catholics
FROM THE
REIGN OF QUEEN ELIZABETH
TO THE PRESENT TIME.

—
BY SIR JOHN THROCKMORTON, BART.
—

L O N D O N :

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APRIL, 1927

P R E F A C E.

WHEN I had determined to reprint my first letter to the Catholic Clergy of England on the appointment of bishops, I intended in a short appendix to notice the principal objections, which have been made to my proposal, since the publication of my second letter on that subject.—In many instances, I found it to be connected with the history of the English Catholics, on whose conduct, it was perceptible that their ecclesiastical government had great influence. This made me propose to publish, at the same time, a short history of the English Catholics from the Reformation to the present time. I soon, however, found that a work of
that

that extent, was too great an undertaking for the time I could give to it. I therefore relinquished it, and have inserted in the following pamphlet a short sketch of the sentiments of the English Catholics from the Reformation to the Revolution, with a brief view of their present state.

I seize this opportunity of expressing my ardent wish that such a history as I have mentioned, may be undertaken by a person, who is capable of doing justice to the subject. It cannot fail of being generally interesting. The history of opinions is as instructive and amusing as the history of battles. To the Catholics themselves, such a work must be peculiarly useful; they will see in it the faults committed by their ancestors, in consequence of their foreign connections, which they will of course prize less highly, than they appear to have hitherto done.—To the public it will exhibit the Catholics in a situation

situation perhaps unparalleled; with an ecclesiastical government depending upon a foreign power, and it's whole influence exercised, to prevent them from giving to the government of their country, that security of their good behaviour which the laws required.— Their interest and their duty impelled them to give the security required by their country, and the majority of their clergy, under the pretence of religion, constantly endeavoured to prevent them from doing it: while their own sense must have informed them, that religion was not concerned in the question.

To the little I have said on the conduct of English Catholics, some objections may be made, which it is proper to notice.—It has been the custom of many, to give indiscriminate praise to the conduct of our ancestors, who have been considered as suffering purely for their religious principles: to such it will appear, that I have been severe on
the

the memory of some of them, and that what I have said, may be thought a justification of the cruel laws enacted against the professors of our religion.

To this I answer; that I have made the distinction, which I think existed amongst our ancestors. Many of them were men of loyal principles, and lamented the excesses of the others, which brought destruction on them all. I offer no apology for the penal laws, they were cruel and unjust. Had they been enacted against those only, who held the seditious doctrines I have mentioned, they could not, in my opinion, have been justified; but nothing can exceed the cruelty of involving in the same general proscription the loyal as well as the seditious Catholic.—It must however be noticed, that when the greatest part of these laws past, the abominable principles, which I have stated, were very prevalent; and they afforded a plausible pretext to a wily and subtle ministry,

ministry, to oppress a party, which it was the interest of their sovereign to subdue.—Persecution for religion solely, was odious, even in the days of Elizabeth; and I cannot believe that Englishmen would have consented to the cruel laws of that reign, if their minds had not been irritated by the conduct of too many Catholics.

To the appellation of *papistic party* some persons may object; yet I doubt if any more appropriate could have been adopted. It is not new; it has always been used to distinguish those, who by their obsequiousness, and too great adherence to the papal power, have supported and given strength to the exorbitant pretensions of the court of Rome. The persons whom I describe, are precisely in this predicament: at one time they openly supported the deposing power of the Pope, and, if at present, they renounce that mischievous doctrine, they are not less remarkable

able for their obsequiousness to the Roman court, and inconsistently inculcate principles from which the deposing power of the Pope necessarily follows.

—In whatever manner these adventitious opinions have been brought forward as component parts of our religion, they are uniformly calculated to support papal pretensions. —That party then, which is notorious for the support of these opinions, must with propriety be called *papist*.

It may be said that I have been severe on Allen, and Parsons, to whom we are principally indebted for our foreign establishments: this by some will be thought an act of ingratitude. —To this I answer, that I have exhibited them, as they exhibited themselves, by quoting their own words; and that a supposed obligation ought not to make us swerve from historical truth. —Besides, I cannot admit that we are under any obligations to these men, for procuring the
foun-

foundation of foreign seminaries. At the time they did it, the universities were indeed shut against the Catholics, as they now are ; but it was not therefore necessary to fly to a strange land for education. No law then existed to debar the Catholics from educating their children in England. Had these seminaries never existed, we had not heard of the seditious doctrines which I have mentionèd, nor should we have been oppressed by the subsequent cruel laws enacted against our religion.— At present even, although these seditious doctrines are not taught in these places of education, we cannot boast of their having acquired a great share of enlightened wisdom. This was apparent in an answer lately made by the deputies from the English, Scotch and Irish houses of education at Douay, to the magistrates of that town.—In it they say, “ Our ancestors never rendered themselves obnoxious to civil
b 2 “ govern-

“ government; but they were the vic-
 “ tims of persecution. They never
 “ confounded the temporal with the
 “ ecclesiastical jurisdiction. This was
 “ the crime of the unfortunate prince,
 “ the author of the schism, who
 “ dared to claim a double power,
 “ which he had not received from hea-
 “ ven.

“ Rome on that occasion adopted
 “ vigorous measures, which the event
 “ has not justified.——But for Rome
 “ few Catholics would now be found
 “ in our country, and we should in-
 “ cur the guilt of ingratitude, if we
 “ did not take this opportunity to
 “ declare, that we have great obliga-
 “ tions to Rome as well as to France.”

——What these obligations are, which
 entitle Rome to our gratitude, the rea-
 der will see in the following sheets.

Among the various disadvantages
 attending our situation in this country,
 none is so apparent as our foreign edu-
 cation.

ducation. We are brought up in a strange land, ignorant of the laws, manners, and customs, (I had almost said of the language) of our native country, and strangers to those with whom we are to live. We pass our lives in struggling with disadvantages of our education.

It may be thought by some, that I have expressed myself harshly respecting the extinct body of Jesuits.—It was not my intention to do it. The nature of their institution undoubtedly connected them with the court of Rome, more closely than any other body of men. It is not therefore to be wondered at, if in general they supported the claims of that court, more uniformly and steadily, than other descriptions of men. This however is by no means intended to convey a censure on those respectable members of the society, who have with a true christian spirit, rejected the seditious opinions entertained

entertained by too many, in consequence of their strict connexion with the papal power. Nor must it be forgotten, that Bosgrave, who gave loyal answers to the six queries in the reign of Elizabeth, and Atkins who took the oath of supremacy in the reign of Charles II. were both Jesuits.

E R R A T A.

Page.	Line.	
22	18	for <i>laity</i> read <i>clergy</i> .
25	19	for <i>are</i> read <i>were</i> .
64	13	for <i>insalibidity</i> read <i>infallibility</i> .
Ibid.	19	for <i>choracter</i> read <i>character</i> .
67	25	for <i>redrrefs</i> read <i>redress</i> .
138	1	add <i>expression</i> .
158	3	omit <i>a</i> .
Ibid. note,	11	for <i>example</i> read <i>examples</i> .
Ibid. note,	last line,	for <i>ather</i> read <i>ether</i> .
160	1	for <i>constan</i> read <i>constant</i> .
161	1	after <i>danger</i> add <i>be</i> .
164	5	for <i>adminiftring</i> read <i>administering</i> :
168	19	for <i>bene</i> read <i>been</i> .

A
L E T T E R

ADDRESSED TO THE
CATHOLIC CLERGY of ENGLAND.

GENTLEMEN,

THE death of two Bishops, to whom successors should be immediately appointed, particularly calls your attention, at this time, to the subject of this letter. This circumstance, as well as the general importance of the subject, will, I flatter myself, prevent its appearing unseasonable. To you I have addressed it, because you are more interested in the appointment of proper pastors than we are. As Clergymen, you are more immediately connected with the Bishop; and, as ministers, you are appointed to execute the laws of the Church: to you then it is natural to apply for a due execution of those laws.

A

Convinced

Convinced that it is necessary that Bishops and Priests be appointed in the Church, as well for the teaching the doctrine of Christ, as for the administration of the sacraments, few objects can be of greater importance to us, than their regular election and appointment. In taking a survey of the different countries where the Christian religion is professed, we shall find that in almost all of them, the Civil Magistrate interferes in the appointment of the Ministers of the Gospel. When princes thought it necessary to take the Church into their protection, and load her ministers with earthly riches, and commit to them a share of their temporal authority, it became necessary that they should be careful to whom such emoluments and power were granted. Their nomination of the Pastor was acquiesced in, because that Pastor had been transformed into a temporal Lord, or Civil Magistrate, who might use his power and wealth to the welfare or destruction of the state.

Fortunately, Gentlemen, these circumstances are not applicable to us: we are not the established religion of the country; no restraints, therefore, are laid upon us by the Civil Magistrate in the choice of our Pastors. As they are not endowed with temporal riches, nor entrusted

entrusted by the state with Civil Power, the Magistrate is too just to claim a right of interference in their appointment.

Although we be thus left at liberty by the Civil Power, it does not follow that we have no rule, whereby we are to be directed in the appointment of our Bishops. If no laws were made, which we were in this instance to follow, nothing but confusion and anarchy would ensue. Next to the being deprived of Pastors, the greatest evil would be the having no settled mode of constituting them. This evil has not happened to the Church of Christ: amongst the early regulations made to promote the benefit of religion, none are more explicit than those, which relate to the appointment of Bishops.

Constituting a part of the Church of Christ, we are bound by the regulations of that Church, as far as it is in our power to comply with them. When the Civil Magistrate claims the right of nominating the Minister of the Gospel, it is not in our power to resist; and we receive him from his hands: but where no such claim is made, and no insurmountable impediment raised, to obstruct the due execution of the laws of the Church, it is your duty, as Ministers of that Church, to ful-

fil them. Let us therefore examine what the rules of the Christian Church are on this subject, and we shall easily ascertain if it be possible to put them in practice.

In the year 253, a Council was held at Carthage, wherein the condemnation of Basilides Bishop of Leon, and of Martial Bishop of Astorga in Spain, was confirmed; notwithstanding the former had obtained from St. Stephen Bishop of Rome, letters recommending his re-establishment in his See. On this occasion St. Cyprian who presided, declares that the ordination of Bishops, should be made with the consent of the people. "We must
 " be particularly careful, says he, to observe
 " this rule, which is derived from divine tra-
 " dition, and the practice of the Apostles, and
 " which is observed by us and in almost all
 " the provinces: that to constitute a lawful
 " ordination, the Bishops of the province, who
 " are the nearest, are to assemble themselves
 " in the place for which a Bishop is to be or-
 " dained; and there let him be chosen in the
 " presence of the people, who are acquainted
 " with the life and conduct of those, whom
 " they have continually seen and conversed
 " with."——For which reason, the Council
 approved the ordination of the successors of
 Basilides

Basilides and Martial, without paying any regard to the letters obtained by the former from St. Stephen; which, as they were obtained on false pretences, only aggravated his crime.

Origen in the 6th Homily on Leviticus, says, " Let us see in what manner a Bishop is appointed. Moses convened the Synagogue, and said to them, *This is the word which the Lord hath decreed*; although the Lord had given directions concerning the appointment of the High Priest, and had chosen him, the presence of the people is required, that all may know, that the person the most proper, the most learned, the most holy, the most eminent in all virtues is chosen into the Priesthood, that no objections may be afterwards made, nor any scruple raised. And this is according to the precept of the Apostle."

After the election of Cornelius to the See of Rome in 251, Novatian opposed him, and endeavoured to raise a schism in the Church, by procuring his own ordination to that See. He addressed letters to the different Churches, and amongst others to the Church of Carthage, where the grounds of his claim were examined in Council, and the answer made to him was,
" That

“ That when a Bishop was appointed and ordained to a See, by the consent and judgment of the *Bishops and people*, no other Bishop could be admitted.”

The canons of the Council of Nice enact, that a Bishop shall be instituted, if possible, by all those of the province; but if they are prevented by distance or any other cause, three at least are necessary, and the consent in writing must be obtained of those who are absent, and the whole proceeding confirmed by the Metropolitan.

The 18th Canon of the Council of Antioch ordains, that if a Bishop cannot, without any fault of his, be established in his Church, either from the refusal of the people to receive him, or from any other cause, he shall enjoy the rank of Bishop, on condition that he interferes not in the ministry of the Church where he resides. It is remarkable, that it is not said that the people shall be obliged to receive him, but on the contrary, it appears that their refusal was a sufficient reason to exclude him. No compulsion was then known in the Church. By the sixteenth canon of the same Council, these Bishops without Sees, might be elected to other Bishoprics, in the same manner as other persons.

Pope

Pope Julius in his letter to the Eusebians,
 after the Council held at Rome in 342, in
 which St. Athanasius was justified, speaks in
 the following terms of the appointment of
 Gregory to the See of Alexandria. "What
 " instance can be adduced similar to this,
 " in the Canons and Apostolical Tradition?
 " That the Church being in peace, and so
 " many Bishops living in communion with
 " Athanasius, Bishop of Alexandria, Gregory,
 " a stranger should be sent thither; one who
 " was not baptised in that Church, who is not
 " known there, who was not demanded by the
 " Clergy, the Bishops, or the People; that he
 " should be ordained at Antioch, and sent to
 " Alexandria, not with the Priests and Dea-
 " cons of the City, nor with the Bishops of
 " Egypt, but accompanied by soldiers. If
 " Athanasius had been guilty, the ordination
 " ought not to have been made in this man-
 " ner, contrary to the rules of the Church.
 " The Bishops of the Province should have
 " ordained one of the Priests, or a person
 " amongst the Clergy of Alexandria." Such,
 adds the historian Fleury, are the laws of elect-
 ing Bishops, according to the testimony of this
 holy Pontiff.

In

In the Council of Sardica held in 347, it was enacted that if there remained but one Bishop in a Province, where there formerly were more, and that he neglects to ordain a person for a See, where one is demanded, and the people have assembled for that purpose; the Bishops of the neighbouring Province are to assemble; and invite this Bishop to meet them, that they may ordain a Bishop for the vacant See; and if he does not comply, they shall accede to the request of the people, and make the ordination without his concurrence.

In the Council of Ancyra, held in 314, is a Canon regulating the order and rank of a Bishop, who being ordained to a See, was refused by the people.

In the third Council of Carthage held in 397, it was proposed that twelve Bishops should be required for an ordination; but it was decreed that the ancient rule, requiring three, should be adhered to: but added Aurelian Bishop of Carthage, who presided, "If
" any opposition is made to the election of a
" Bishop, more must be called in, and the
" objections canvassed publicly, in the place
" for which the ordination is to be made, before they proceed."

St. Celestin wrote a letter in the year 428, to the Churches of Vienne and Narbonne, in which after noticing many abuses, which had crept into the discipline of those Churches, he forbids the election of persons for Bishops who are unknown, to the prejudice of those who have long served the Church, and of whom their fellow-citizens bear a favourable testimony. "For," says he, "a Bishop should not be chosen, who is disagreeable to the flock committed to him; it is necessary to have the consent of the Clergy, the People, and the Magistrates."

In the Council of Rome held 465, and in many other Councils, Bishops are strictly prohibited from naming their successors, *because thereby the lawful elections are prevented.*

St. Leo, in a letter addressed to the Bishops of the Province of Vienne, says, "That Bishops should be ordained by the Metropolitan, and that it is necessary to have the subscription of the Clergy, the testimony of the Magistrates, and the consent of the Senate and People."

So necessary was it considered that the Ministers of the Church should be appointed with the approbation of the People, that, by the twenty-second Canon of the third Council of

B

Carthage,

Carthage, Bishops are prohibited to ordain any Priest without the advice of the Clergy, and approbation and consent of the People.— Bede thought the free election of Bishops of such importance, that he has dared to censure the Apostles for permitting the successor of Judas to be decided by lot. Nor does he appear to be the first who made the objection, for we find that this action of the Apostles called for the justification of Origen, Chrysostom and Augustin.

Pope Pelagius in 555, writing to the Patri-
cian Narfes who governed Italy, complains of
the Bishop of Milan, who had ordained the Bi-
shop of Aquileia in his own Church, contrary
to the Canons; "For," says he, "the Bishop
" who consecrates another, should repair to
" the vacant See, that the consent of that
" Church may be perfectly known."

The Council of Clermont in 535, orders
that Bishops be appointed by the election of
the Clergy and People, and with the consent
of the Metropolitan; and if any have recourse
to the protection of people in power, *or pro-
cure in any other manner their appointment*, they
shall be deprived of the communion of that
Church which they aspired to govern. This or-
der is renewed in the council of Orleans, held in

538, and again in 548. The same regulations were made respecting the right of election, and forbidding the appointment of a Bishop without the consent of the People, in the councils of Arles and Paris in 556, and of Chalons in 644.—In France, the elections of Bishops had been prevented by many of the Sovereigns, which was probably the cause of the ancient canons on that subject being so frequently enforced in the councils of that kingdom. Louis surnamed le Debonnaire, by an edict published in 832, restored to the Clergy and People the right of electing their Bishops in these terms.—“ Not being ignorant
 “ of the holy canons, and being desirous that
 “ the Church should enjoy her liberty; we
 “ have granted that the Bishops should be
 “ chosen by the Clergy and People, in the
 “ Diocese, and in consideration of their me-
 “ rit and capacity, gratuitously, and without
 “ partiality.”—About this time a small treatise on the election of Bishops was written by Florus Deacon of the Church of Lyons, in which he says. “ According to the Canons,
 “ and Apostolical Tradition, in the vacancy of
 “ a See, one of the Clergy of the same Church
 “ should be chosen by the unanimous consent
 “ of the Clergy and People. He is then named

“ in an authentic deed drawn up for the pur-
 “ pose, and afterwards consecrated by a pro-
 “ per number of Bishops; and such an ordina-
 “ tion is by St. Cyprian called a choice made
 “ by God. It is certain that the Bishops were
 “ so ordained in the whole Church for the
 “ space of four hundred years. And since the
 “ Princes are become Christians, it is evident
 “ that the elections have for the most part,
 “ been made with the same liberty.”

The latter part of the ninth century fur-
 nishes us with some very authentic evidences
 of the mode of elections in France, after the
 liberty of choosing their Bishops had been re-
 stored to the Churches by Louis. They are
 collected by Father Sirmond, and Fleury in
 his excellent history, has given us ample ex-
 tracts from them. From these I collect the
 following particulars.

On the death of a Bishop, the Church sent
 deputies to the Metropolitan, who immediately
 appointed a Bishop of the Province as Visitor,
 to repair thither. The commission given
 to him is seen in a letter from Hincmar,
 Archbishop of Rheims, to Hedenulphus, Bi-
 shop of Laon, whom he appointed Visitor at
 Cambray. “ You will,” says he, “ repair as
 “ soon as possible to that Church, and will
 “ exhort

" exhort the people to choose, by unanimous
 " consent, the person they think most worthy
 " to be their Bishop. I send to you the form
 " of the election, which you will cause pub-
 " licly to be read, that no person may plead
 " ignorance. The election is not only to be
 " made by the Clergy of the town; all the
 " Monasteries of the Diocese; all the paro-
 " chial Clergy in the country, should depute
 " persons to give their suffrages. The No-
 " bility and Citizens should also be present,
 " for all should concur in electing him, whom
 " all are to obey. If they elect a person who
 " is capable of the office, request them to
 " draw up a deed, which may be signed by
 " each person; and when I have given them
 " notice, they will send to me the person so
 " chosen; with the deed proving his election,
 " and a sufficient number of deputies to give
 " evidence in the name of the whole Dio-
 " cese."

This act of election was a Letter addressed
 to the Metropolitan and his Suffragans, from
 the Clergy and People of the vacant Church,
 of which there are some examples still extant.
 In that of the election of Hedenulphus to the
 See of Laon, in 876, the utility of elections is
 insisted on, "because the people may despise
 " or

“or hate a Bishop whom they did not desire;
 “and their religion may be weakened, if they
 “have not the Pastor whom they wished for.
 “And that those who are to ordain him may
 “do it the more willingly, seeing him so una-
 “nimously chosen.” I refer the reader to
 the 53d book of Fleury’s Ecclesiastical History,
 where he will find the forms of examination
 and consecration of the new Bishop.

Many more examples might be adduced to
 ascertain the ancient mode of appointing Bi-
 shops in the Christian Church, but to you,
 Gentlemen, this would be useless; your know-
 ledge of Ecclesiastical History, will furnish
 you with a sufficient number without my at-
 tempting to suggest them *. From the few I
 have

* That the ancient discipline of the Church, requiring
 the election of Clergy and People to appoint a Bishop,
 was not entirely laid aside in the Eleventh Century, may
 be seen by the Letters of Gregory VIIth, Lib. i. Epist.
 35.—Lib. v. Epist. 8. Instances of it occur also in the
 Twelfth Century, in the 13th and 27th Epistles of St.
 Bernard.—The beginning of the Oath taken at consecra-
 tion, denotes the new Bishop to be elected.—I have not
 mentioned any of the regulations made by the Council
 of Trent, because the discipline of that Council was
 never adopted by the Catholics here, any more than
 in France. Notwithstanding, the too great power gene-
 rally given to the Roman Pontiff by the Canons of that
 Council

have mentioned, the following positions may, I think, be evidently deduced.

1st. That the discipline of the Church requires that the Bishops should be chosen by the Clergy and People over whom they are to preside.

2^{dly}. That the Bishops of the province were bound to repair to the vacant Bishopric, where they concurred in the election, and ordained the person so chosen.

3^{dly}. That no application was made for the interference, much less for the nomination of any Bishop out of the province, unless there was not a sufficient number within it to ordain the new Bishop, or they refused to do it; in which cases, application was made to the Bishops of a neighbouring province.

These, Gentlemen, are the rules by which the Church of Christ was governed, for the space of several hundred years; rules, by which a Cyprian, an Augustin, an Ambrose,

Council, there are none which can authorise the claim of appointing Bishops in the manner practised in this country. See Sessio xxiv. c. 1. De Reformatione—Sessio xxv. c. 18.—If the Reader wishes any farther proof of the discipline of the Church being such, as I have represented it, he may consult Cabassuthius *Notitia Ecclesiastica*, p. 16, 109, 172, 223, 262, 472. Van Espen. *Jus. Ecclesiasticum*, vol. i. p. 82 & seq.—and Fleury *Hist. Eccl. passim*.

were

were constituted Bishops. As Ministers of the same Church, you are bound to conform to the same regulations, and any violation of them, when it is possible to comply with them, must be, on your part, a culpable neglect of your duty.

It behoves you, therefore, to consider what impediments may be raised to your conforming in this instance to the Laws of the Church. From the Civil Magistrate no obstruction is to be feared; all denominations of Dissenters are in this respect permitted to enjoy the greatest freedom. With the different political regulations which have taken place on this subject, you have no concern.

By the first Bishop in the Church, a claim may be made of appointing your Pastors, and of superseding, in this instance, the discipline of the Church. But a moment's reflection will convince you, that this claim must be unfounded: for however high his rank and station in the Church may be, the appointment of Bishops forms no part of his spiritual commission. When once therefore you have ascertained what the regulations are which have been made on this subject, no lawful impediment can be raised by any Bishop in the Christian Church to the execution of them.

All

All are bound by the same laws, and to none is given a power of violating them; and any objection to a conformity to the laws of the Church, will come with a very bad grace from the person, whose duty it is to see them observed.

One difficulty only presents itself to me, namely, that we have not in this kingdom any Bishops regularly appointed to convene to an election. Our situation in this respect, you are well acquainted with, and no doubt, have often deplored. Bishops indeed we have, but not of the flock they are appointed to govern; men are ordained titular Bishops of Rama, Comana, Hiero-Cæsarea; &c. and sent to this country with a delegated power from a foreign Prelate, on whom they are by that means totally dependant.

These titular Bishops were totally unknown in the Church till the twelfth century, when numbers had migrated from the west of Europe, and had settled in the country conquered by the arms of the Crusaders. These Latins being ignorant of the language, and unaccustomed to the ceremonies of the Greek Church, procured the appointment of Latin Bishops to those Sees which they occupied, sometimes in conjunction with, and sometimes

to the exclusion of the Greek Prelates. In process of time, although they lost most of the country they had occupied, Bishops continued to be appointed to those Sees, in hopes that they might again be subjected to the arms of the Christians. And although all thoughts have been long since dropped of re-conquering those places, Bishops have been continually appointed to them, who have no knowledge of the language or customs of the inhabitants, nor have any intention of fulfilling the commission undertaken by them at their ordination, *to preach the Gospel to the people committed to their care.* These Bishops, without Sees, or fixed places of residence, were the cause of considerable disturbance in the Church; many regulations were made to check their interference in the Ministry; and in the Council of Trent, many of the Fathers repeatedly demanded their total abolition. The Court of Rome was however too sensible of the advantage of such dependant Bishops, not to oppose this measure. Accordingly the Council contented itself with prohibiting them from conferring orders, or exercising any episcopal functions without a special commission. At present therefore, they are not only Pastors without

without a flock, but Bishops without the power of the keys *.

Had the mode of appointing Bishops practised in this country, been known in the Church, Pope Julius had never written the Letter I have quoted. Indeed, except in the circumstance of being introduced by Soldiers, we might imagine, that in describing the manner in which Gregory was appointed Bishop of Alexandria, he was giving an account of the appointment of a modern Vicar Apostolic: to which he might have added the absurdity of being ordained Bishop of Jerusalem, to govern the Church of Britain. So far however from seeing this difficulty in a formidable light, I trust it will be an additional motive to you, to exert yourselves in restoring the Church of this kingdom to its ancient discipline.

The present mode of nominating titular Bishops of foreign Sees, to preside, with a delegated commission, over the Catholics of this country, is one cause of the prejudices still subsisting against us in the minds of our fel-

* Con. Trid. Sess. 14. c. 2. de Refor.—Pallavicini Hist. del. Con. Trid. l. 12. c. 13. n. 3.—l. 20. c. 14. n. 10.—c. 16. n. 10 & 12.—l. 21. c. 4. n. 4.—c. 6. n. 12.—c. 8. n. 2.—Van Espen, Jus. Eccl. T. i. p. 117.

low-citizens. So total a dependance on a foreign Power, which is supposed on different occasions, to have made claims hostile to the independance of States, is calculated to raise suspicions in the most unbiassed mind. In this instance however, as well as in all others, you will find, that the nearer you approach to the pure discipline of the Church, the more effectually you will remove the grounds of these prejudices. The Church of Christ was intended by its divine Founder to be spread over the whole world, nor is there any thing in its doctrine or practice, which can prevent its progress, in every climate, and under every government. This would not be true, if the nomination of its Pastors had been vested in any one person.

Were it necessary, many other motives might be urged, to convince you of the expediency of an abolition of the present mode of receiving your Pastors from a foreign Power; but you will easily perceive, that under the present Church Government, no regular discipline can be maintained. By the Laws of the Church, Bishops are to be ordained within the space of three months; they are subject to Provincial Councils which are frequently to be held: the revenues of the Church

Church are to be administered by them in conjunction with their Clergy, to whom they are bound to give an account of their conduct. That these regulations are not complied with is evident, nor is it possible, in the present state of things, to enforce obedience to them. A small degree of exertion, will, I trust, Gentlemen, remove these difficulties. It is in your power to procure a regular appointment of Bishops. Act as the Clergy of Carthage or Alexandria would have done in similar circumstances, and you will find yourselves, I doubt not, supported by the whole body of the Laity.

By a regulation, which took place at the latter end of the last century, the Catholics of England are divided into four divisions or dioceses. As the number of the faithful had decreased, there could be no objection to diminishing the number of Pastors: the object at present wanted, is, that regular Bishops be chosen in these respective divisions. To you, Gentlemen of the midland and western districts, I particularly address myself on this occasion; it is in your power to remove the objection, of the want of proper Pastors. Do you, in conjunction with the Laity of your respective Districts, assemble, and choose for
your

your Bishops, the persons who now, by a lamentable abuse, preside over you, in virtue of an authority delegated to them by a foreign Prelate, who has no pretensions to exercise such an act of power. They are Bishops of Sees where they have no Faithful, you are bodies of Faithful without Bishops: by the Laws of the Church they may be elected by you for their Pastors; they will not fail to accept of the office. They are now aliens, you will make them Englishmen; they are dependant, you will make them free; they are foreign emissaries, you will transform them into English Bishops; they must rejoice in the change.

You, Gentlemen of the London District, after the death of your late Pastor, assembled, and collected the opinion of the Laity, on the appointment of a Successor. The eyes of the Catholics were upon you, we looked to you for an emancipation from the present irregular mode in which our pastors are appointed. You had amongst you, we knew, men, who were well acquainted with the discipline of the Church, and whose minds, we hoped, were equal to the small difficulty of such an undertaking. In this we were cruelly disappointed. Your Suffrages were unanimous

nimous * in favor of one Gentleman, who, like the other Vicars in this country, is Bishop of a foreign See where he has no Faithful to direct. By an unaccountable timidity however, you did not dare to proceed to an election, but contented yourselves with recommending the object of your choice, accompanied by the names of two others, to the nomination of a foreign Prelate. If I am not misinformed, his nomination meets with considerable opposition, because he has refused to sacrifice the welfare of the Catholics of this kingdom, to the pretensions of the Court of Rome. By this conduct, Gentlemen, you have sacrificed the rights of the people, which as Ministers, you were bound to defend; you have acted contrary to the laws of the Church, and have bowed your necks to a foreign yoke. As a Layman of the district, I entreat you to consider the evil effects of such a proceeding. It is not yet I hope too late; return to council, reassemble, and, in conjunction with the Laity, elect the person, whom you have pointed out as the

* I have since been informed, that, although a considerable majority of the suffrages were given to the Gentleman here mentioned, they were not unanimous.

object

object of your choice, and whose merits entitle him to your suffrages.

You, Gentlemen of the Northern District, are in a similar situation, but I trust you will not pursue a similar conduct. You have, I hope, too much respect for the Rights of the People, too much regard for the discipline of your Church, to sacrifice them both to the pretensions of a foreign Power. Set an example worthy of the imitation of posterity; shew by your conduct in this instance, that no influence, however strong, no abuse, however deeply rooted, can make you swerve from your duty. You must either follow the rules enacted in the Church by apostolical tradition, or sacrifice them to modern pretensions, which have disfigured the religion of Christ, and cast an odium on the professors of it. Assemble then, and collect the suffrages of the Laity, and when you have elected a proper person to be your Bishop, convene the other Bishops of the kingdom to confirm your election, and to ordain him; if they wish to follow the footsteps of a Cyprian or an Ambrose, they will not fail to comply with your request. Should they however refuse to do it, apply as you are directed, to the Bishops of a neighbouring Province.

By

By these means, you will restore to the Church, of which you are Ministers, that freedom of election, which for several ages was considered as necessary to constitute a regular Bishop. But it will be of little consequence to secure the right of election, if the Bishop chosen by you, sacrifices his liberty, by swearing fealty to a foreign Prelate. This makes it necessary to say a few words on the oath taken by Bishops at their consecration.

During many ages, no oath was taken by Bishops or Priests at their ordination. Some Metropolitans, in the beginning of the ninth century, required from those whom they ordained, an Oath of obedience; this practice was condemned in the council of Chalons, in 813, and again by a law made in France, in 816. By this law, all who required or subscribed to any oath at ordination, are degraded from their functions. In these instances the act of taking an oath is reprobated, not the simple profession of canonical obedience to the Metropolitan, of which there are many instances to be found.

These professions of canonical obedience were made by the Bishops to the Metropolitans at their ordination; nor is there any instance, at the close of the seventh century, of

the Bishops of Rome having required any other obligation from their Suffragans. And when in the eleventh century, the obligation of an Oath was required, nothing but canonical obedience was pledged; this may be seen in the dispute between Lanfranc, and Thomas Archbishop of York.

The first instance we find of any thing more being demanded, is that of Gregory the VIIth, who required from the Patriarch of Aquileia, an absolute oath of fealty, such as Vassals made to their immediate Lords. About the close of the thirteenth century, this Oath of Fealty was required by the Popes, at the ordination of all their Suffragans. And when afterwards, the Roman See claimed the right of naming or confirming all Bishops, contrary to the discipline of the Church, and the rights of Metropolitans, this Oath was required of every Bishop at his consecration. To this day, it continues to be taken by all Bishops in the following form, which was settled by Clement the VIIIth, and inserted by him in the Roman Pontifical*.

* Van Espen, Jus. Eccles. t. 1. p. 109.

Ego N. electus ecclesie N. ab hac hora in antea fidelis & obediens ero beato Petro Apostolo, sanctęque Romanę ecclesie & Domino nostro Domino N. Papę N. suisque successoribus canonicę intrantibus.

Non ero in consilio, aut consensu, vel facto, ut vitam perdant, aut membrum; seu capiantur mala captione; aut in eos violenter manus quomodolibet ingerentur; vel injurię aliquę inferantur, quovis quęsito colore.

Consilium vero quod mihi credituri sunt per se, aut nun-

D 2

I N. elect of the Church N. from this hour forward, will be faithful and obedient to blessed Peter the Apostle, and the holy Roman Church, and to our Lord, the Lord Pope N. and to his successors canonically entering.

I will not counsel, or consent, or be assisting in or to any act, whereby they may lose life or limb; or may be seized and ill treated; or that violent hands be laid upon them in any manner whatsoever, or that any kind of injury be done them, on any pretence whatsoever.

But any counsel with which they shall intrust me, whether

tios

tios suos, seu literas,
ad eorum damnum,
me sciente nemini
pandam.

Papatum Roma-
num, & Regalia sanc-
ti Petri, adjutor eis
ero ad retinendum
& defendendum, sal-
vo meo ordine, con-
tra omnem hominem.

Legatum apostoli-
cæ sedis in eundo &
redeundo, honorificè
tractabo, & in suis ne-
cessitatibus adjuva-
bo.

Jura, honores, pri-
vilegia & auctorita-
tem sanctæ Romanæ
ecclesiæ, Domini
nostri Papæ & suc-
cessorum prædicto-
rum, conservare, de-
fendere, augere &
promovere curabo.

by themselves, by
their messengers or
letters to their hurt,
I will not knowing-
ly discover to any
person.

The Roman Papa-
cy and the Royalties
of St. Peter, I will,
saving mine own or-
der, assist them to
keep and defend a-
gainst any man.

The Legate of the
Apostolic See, going
out and returning
back, I will hono-
rably treat and assist
in his necessities.

The rights, honors,
privileges, and autho-
rity of the holy Ro-
man Church, of our
Lord the Pope, and
his successors afore-
said, I will be care-
ful to preserve, de-
fend, enlarge, and
promote.

Neque

Neque ero in consilio, vel facto, seu tractatu, in quibus contra ipsum Dominum nostrum, vel eandem Romanam ecclesiam, aliqua sinistra vel præjudicialia personarum, juris, honoris, status, & potestatis eorum machinentur. Et si talia a quibuscumque tractari vel procurari novero, impediam hoc pro posse; & quanto citius potero, significabo eidem Domino nostro, vel alteri per quem possit ad ipsius notitiam pervenire.

Regulas Sanctorum Patrum, decreta, ordinationes, seu

Nor will I be concerned in counsel, act, or treaty, wherein any thing disadvantageous or prejudicial to our said Lord, or the said Roman Church, their persons, right, honor, state or power shall be devised. And if I know any such things to be treated of by any persons whomsoever, I will impede the same to the utmost of my power; and as soon as possible will give information to our said Lord, or to some other person, by whose means it may come to his knowledge.

The rules of the Holy Fathers, the decrees, orders, or
vations

dispositiones, reservationes, provisiones & mandata apostolica totis viribus observabo, & faciam ab aliis observari.

Hæreticos, Schismaticos, & rebelles eidem Domino nostro, vel successoribus prædictis, pro posse persequar, & impugnabo,

Vocatus ad Synodum veniam, nisi præpeditus fuero canonica præpeditio

appointments, reservations, provisions, and apostolical mandates, I will observe with all my might, and cause to be observed by others.

All Heretics, Schismatics, and Rebels against our said Lord, and his aforesaid successors, I will to the utmost of my power pursue and oppose*.

When called to a Synod, I will come, if not prevented by some canonical impediment.

* I have translated *Persequar*, I will pursue, because it coincides with the meaning Dr. Butler wished to be affixed to this word, though I believe the true meaning to be *I will persecute and combat*; but I would not be accused of giving an unfavourable translation of this curious oath.

Apostolorum

Apostolorum limina singulis trienniis personaliter per me ipsum visitabo; & Domino nostro, ac successoribus præfatis rationem reddam de toto meo pastoralis officio, ac de rebus omnibus, ad meam ecclesiæ statum, ad elevari & populi disciplinam, animarum denique, quæ meam fidei traditæ sunt, salutem, quovis modo pertinentibus; & vicissim mandata apostolica humiliter recipiam, & quam diligentissime exequar.

Quod si legitimo impedimento detentus fuero, præfata omnia adimplebo per certum nuntium, ad

The thresholds of the Apostles I will personally visit every three years, and will give an account to our Lord and his aforesaid successors, of my whole pastoral charge, and of all things which in any manner relate to the state of my Church, the discipline of my clergy and people, and to the salvation of the souls committed to my trust: and on the other hand I will humbly receive, and with my best diligence will execute all apostolical mandates.

But if I be detained by any lawful impediment, I will perform all the aforesaid things by a trusty
hoc

hoc speciale mandatum habentem, de gremio mei capituli; aut alium in dignitate ecclesiastica constitutum, seu alias personatum habentem: aut his mihi deficientibus, per diocesanum sacerdotem; & clero deficiente omnino, per aliquem alium presbyterum, secularem vel regularem, spectatae probitatis & religionis de supradictis omnibus plene instructum. De hujusmodi autem impedimento docebo per legitimas probationes, ad sanctae Romanae ecclesiae Cardinalem proponentem, in congregatione sancti concilii,

messenger, specially commissioned for that purpose from among my Chapter; or some other possessed of some ecclesiastical dignity, or otherwise of some personage, or failing these, by some Priest of my Diocese; and if I should have no Clergy, by some other Priest, secular or regular, of known probity and religion, who shall be fully instructed in all things before mentioned. But of such impediment I will give due information, by legal proofs, to be transmitted by the aforesaid messenger to the propounding Cardinal
per

per supradictum nuntium transmittendas.

Possessiones, verò ad mensam meam pertinentes, non vendam, nec donabo, neque impignorabo; nec de novo infeudabo, vel aliquo modo alienabo, etiam cum consensu capituli ecclesiæ meæ, inconsulto Romano Pontifice. Et si ad aliquam alienationem devenero, pœnas, in quâdam super hoc edita constitutione contentas, eo ipso incurrere volo.

of the holy Roman Church, in the congregation of the sacred Council.

The possessions belonging to my table, I will neither sell, give away, mortgage, nor invest anew, nor in any manner alienate, even with the consent of my Chapter, without consulting the Roman Pontiff. And if I make any such alienation, I am willing directly to incur the penalties, contained in a certain constitution set forth thereupon.

In the three first articles of this oath is contained an explicit Oath of Allegiance, such as was taken by vassals to their immediate Lords. That the allegiance is of a tem-

E

poral

poral nature, appears from the words of the second paragraph, and from the following words which were in the original formula of Gregory VII. "*Romanam ecclesiam per secularem militiam, fideliter juvabo, cum invitatus fuero.*" Nor should we fail to recollect, that this oath was first imposed by the same Gregory, who arrogated to himself an universal temporal empire.

The promise to defend and *enlarge* the authority and privileges of the Popes, and their successors, is very extensive; the Pope who framed this Oath, and many of his successors, have claimed authorities and privileges, which are neither compatible with the welfare of the Church, nor with the duty and allegiance which Bishops owe to the government of their country.—To pass over the words, "*Hæreticos, schismaticos & rebelles eidem Domino persequar & impugnabo,*" which would have struck with horror a Bishop in the first six ages of the Church; it is not easy to conceive, that a Bishop can reconcile his mind to a solemn obligation of visiting every three years the See of Rome, when he has no intention of leaving his country, and knows that he would neglect his duty if he complied with his oath. This clause, which originally
required

required an annual visit to the threshold of the Apostles, shews that it was intended only for the immediate Suffragans of the See of Rome, who were obliged by the canons to attend the annual Councils there held.

When the right of ordaining the Metropolitans was taken from the Bishops of the Province, and usurped by the See of Rome, this promise was exacted from them; which accounts for its being imposed on them, before it was required from other Bishops, whose nomination and ordination were not so soon transferred to the Pope.

The words, "*mandata apostolica humiliter recipiam, & quam diligentissimè exequar,*" convey a very extensive obligation: nor is it easy to perceive how it can be complied with by any Bishop, who is not a temporal subject of the Pope. It is evident that no other Prelates receive humbly, or execute diligently all the commands of the Roman Pontiff.

This very cursory view of the Oath, is, I trust, sufficient to convince you that it is perfectly incompatible with the duty, which Bishops owe to the Church, and to the allegiance which they owe to the government of their country. You will therefore, I hope, take

care that no English Bishop takes such an oath in future: there are instances of Bishops refusing to take it; their example will, I trust, be universally followed.

It was not without surprise, that I observed a few years past, a Prelate of a neighbouring kingdom*, attempt to justify this oath. The little indeed he has said on the subject, will serve to convince an unbiaſſed mind of the impossibility of defending it. — The words, “*persequar & impugnabo*,” he contends are to be understood as meaning an opposition by argument; but I think the context shews plainly that a very different meaning is to be affixed to them. After swearing the most positive oath of civil allegiance to our Lord the Pope, the new Bishop promises to *pursue and oppose all rebels* to this same Lord: it is not by arguments that rebels are pursued and opposed, nor does a sovereign Lord require a promise of such assistance from his vassals.—What the reverend Prelate says of the spirit of the Catholic Church, is very true; it is averse from all violence, but was such the spirit of the Pontiff who first imposed this oath? Has

* Dr. James Butler—Justification of the tenets of the Roman Catholic Religion. p. 90. & seq.

such always been the conduct of the Bishops of the Church, since the oath has been taken by them? I fear not.

It is true that the Christian Bishops refused to communicate with Ithacius, for having been instrumental in putting to death Priscillian: but those Bishops had never taken this oath. Had the reverend Prelate proved, that after this oath had been universally taken, the Bishops of the Christian Church had behaved like St. Ambrose and St. Martin, he had offered some vindication of it; but this he has not attempted to do.—The words “salvo meo ordine,” on which he lays so much stress, can refer only to the clause in which they are inserted.

“But farther,” says he, “this oath is intended in countries not subject to the Pope, as a *temporal Prince*, to extend merely as to *spirituals*.” How the same form of words can convey in one country a civil oath of allegiance to a Sovereign, and in another, be restrained merely to spirituals, is past my comprehension. But, if an oath, which swears fealty to a Lord, restrains the person, who takes it, from offering violence to his person, or injuring him in life or limb, obliges him to defend, support, and enlarge, all his honors,
rights,

rights, privileges and authorities, imposes an obligation to oppose with all his power, all rebels to the said Lord, and to execute all commands he shall receive from him, be not an oath of civil allegiance, and that of the most extensive nature, I am totally at a loss to know what can constitute one. The truth is, the oath contains nothing of a merely spiritual nature; it was a temporal, not a spiritual empire, which Gregory wished to establish.

To conclude, Gentlemen; I have no other object in view in this Address to you, than the desire of seeing our religion practised in its primitive purity, and freeing the professors of it from that odium, which abuses in the discipline of the Church have thrown upon them. You will, I hope, impartially examine if the rules I have stated, concerning the election of Bishops, are those of the Church, and if there exists a reason, which can justify your not complying with them. If after this examen, you are convinced that the election of Bishops by the Clergy and Laity, is a rule of the Church, that the existence of titular Bishops is an abuse, which ought to be removed, and that the oath taken by Bishops at their consecration, is a violation of the freedom of the Church, and of the duty they owe to society;

I trust

I trust you will not permit human motives, the fear of thwarting the prejudices of individuals, nor an indolent acquiescence in established abuses, to prevent your compliance with so indispenfible a part of your duty, as is that of preserving your religion free and untainted.

I am, GENTLEMEN,

Your obedient

June 12, 1790.

humble Servant,

A LAYMAN.

I trust you will not permit human nature
the fear of thwarting the prejudices of indivi-
duals not an insensible consideration in cases
which should to prevent your compliance
with the indignant a part of your duty
is that of preserving your reason free and
unbiased.

I am, Sir, very respectfully,
Your obedient servant,
J. W. F. [Signature]

HAD I not determined to reprint my first Letter to the Catholic Clergy, on the appointment of Bishops, I should not have thought it necessary to add any thing to the reply, which I before made to my opponents. Thinking however, that it may not be improper to rectify some misrepresentations which have been made of my meaning, and to state briefly some facts, by which the conduct of the Roman Court, and the sentiments of the English Catholics in the last century, may be better understood, I submit to the public the following observations.

With polemic writers it has been too much the custom to draw up a system from their own imaginations, which they attribute to their adversaries, and then combat it with an air of self-complacency and triumph. In this spirit a system has been dressed up, and attributed to me; but it is so transformed, that I cannot discover my own sentiments in any part of it.

Misrepresentations

F

My

My plan, it is said, is to induce the English catholic clergy and people to elect their present ecclesiastical superiors to be their Bishops, and that I suppose these would *be transformed into English Bishops, without any confirmation or canonical institution whatsoever.*—In my second letter, it is said, I follow up the same system, viz. of denying the necessity of any canonical institution or confirmation, which I suppose to be no more than an approbation given to the popular election, *and conveys no higher idea, than that of the returning officer of a parliamentary election.*—In the Layman's system (the signature under which I published my first letter), it is asserted, the jurisdiction of Bishops is derived from the votes of the Clergy and Laity, who have *an effective power by way of suffrage and election.* “It will appear then,” (they are the words of my opponents) “that these opposite systems “are reducible in a great measure to this “question, whether or no episcopal jurisdiction, as distinct from the episcopal order, is “or is not of right divine? My antagonist, “(the Layman), *derives this claim from the “votes of the clergy and laity of the diocese, who, “he maintains, have a proper power of appointing their own pastors; accordingly he*
admits

"admits the episcopal elections now going on
"in France *."

The last words I have quoted are sufficient to shew the shifts to which my opponents are driven. Had they been able to produce any solid arguments against my system, it had not been so misrepresented; nor should I have been made to say that I admitted the episcopal elections now going on in France, when I did not deliver my sentiments on the subject. When argument fails, it sometimes serves a purpose, to throw a temporary odium on an adversary, by imputing to him opinions which he never expressed †.

The

* See *Divine Right of Episcopacy*, p. 12, 13, 14, 15, 34, 35.

† As my plan has evidently no reference to that carrying on in France, I am not under the necessity of delivering my opinion on that subject, I shall therefore readily be excused if I do not repeat the outrageous epithets which have been bestowed on that nation. I am not fond of abusive names; and I must have stronger proofs adduced of their schism, than I have hitherto seen, before I give them the appellation of *schismatics*.

One thing however they have done, which in their circumstances I think was impolitic; they have *established a church*; this will be a perpetual source of division. There never has existed an established church, which did not require an assent to articles, and a submission to regu-

The misrepresentations in the above statement of my opinion, will appear manifest from my own words in my second letter:—

P. 5. "If Mr. Milner concludes from these
 " words, (of St. Cyprian's letter), that be-
 " sides the election of the people, the *judg-*
 " *ment and confirmation* of the bishops were
 " requisite to a valid ordination, I perfectly
 " agree with him; but he will find nothing
 " in my former letter which contradicts this
 " assertion. If, on the contrary, he infers,
 " that the people had no right to an active
 " voice in the election of bishops, no such
 " conclusion can be drawn from the words
 " of the letter." Here it is evident what I
 mean by an *active voice*, which is the same that
 Bingham calls an *effective power by way of suf-*
frage. It cannot constitute a bishop, nor does
 a bishop derive his canonical jurisdiction from
 it, but it points out the person who is to re-
 ceive that jurisdiction, in the same manner as

lations purely human, and which consequently can form
 no part of real religion. Thus are excluded many honest
 and intelligent men, while the exclusive favor shewn to
 the clergy of the establishment, will excite the passions of
 others. Wiser, in my opinion, had the French legisla-
 tors been, if, in this instance, they had imitated the A-
 mericans.

minate

in many countries sovereigns at present nominate the person who is to receive episcopal ordination and confirmation.

P. 8. "So far from this canon (of Antioch) abrogating the right of election in the people, it supposes it, and only declares that it is not sufficient without the *confirmation* of the provincial synod."

P. 83. "The confirmation of bishops was originally no more than the approbation given by the metropolitans and their suffragans to the choice made by the clergy and people, *after they had judged the person chosen to be canonically elected, and worthy of the office. This was always accompanied by his ordination.*"—This passage has been quoted, but it was necessary for the purpose the writer had in view, to omit the latter part of it. More passages might be produced, but these are sufficient to shew that the meaning of my two letters has been totally misrepresented. In these I always asserted that the election of the people was subject to the judgment of the bishops. Having shewn the misrepresentation made of my opinions, I proceed to some farther observations.

"It

Council
of Con-
stantino-
ple.

"It is presumed that I shall hardly deny,
" what all canonists assert, that every degree of
" lay-interference was excluded throughout
" all the east by the eighth general council, an.
" 889—can. 22." *—If by *lay-interference* is
meant the co-operation of the laity of the dio-
cese in the election of their bishop, the only
interference I contend for, I certainly deny
that such an exclusion was made by the canon
in question. The eighth general council con-
demned Photius, who had been appointed
bishop of Constantinople contrary to the an-
cient canons, by the secular power of the
emperor. To obviate such irregularities in
future, and to restore the ancient mode of elec-
tion, this canon was enacted. It accordingly
declares, "But whatsoever secular prince or
" potentate, or possessing any lay dignity, shall
" attempt to act in opposition to the *univer-*
" *sal, consentaneous, and canonical election* of the
" ecclesiastical order, let him be anathema†."
That the intention of the council was not to

* Ibid. p. 29.

† "Quisquis autem secularium principum et potentatum, vel alterius dignitatis laicæ adversus *communem*,
" ac *consentaneam*, atque *canonicam electionem* ecclesiastici
" ordinis agere tentaverit, anathema sit."

exclude

exclude the co-operation of the prince and people in the appointment of bishops, is evident from their own conduct, in restoring Ignatius, who had been so appointed, to the See of Constantinople. "Who is ignorant," says Nicetas, "that Ignatius was lawfully and canonically appointed, by the suffrages of all the bishops and the applause of the whole people?" * It was also proved in the council, that the Imperial authority had concurred with the bishops, the senate and clergy, in the promotion of Ignatius, which, as Thomasfin observes, cannot be intended to be censured by the canon of the eighth council. See p. 2. l. 2. c. 26. where he proves from various instances that, long after that period, the people concurred in the episcopal elections. An example of this he adduces as late as the year 1059, when Constantius Lichudes was elected patriarch, *by the suffrages of the metropolitans, the clergy and people.*

But it has been said, that the arguments adduced by me in favor of the election of bishops, militate in favor of elections of parochial clergy: and an instance has been men-

* "Quis ignorat Ignatium episcoporum omnium cal-
culis et totius populi applausu, legitimé canonicé que
creatum fuisse?"

tioned

tioned of some members of a congregation, who claimed this right, and founded it on the arguments of *the Layman's book*.—I see not that this is any objection to my plan; the mode of appointing parochial priests has always varied according to circumstances. Where the parish has been endowed by a secular person, the patronage usually belongs to his heirs; where there is no settled endowment, as is usually the case with us, the person who pays the salary of the clergyman, has the natural right of appointing him. In what manner the *learned and zealous clergyman*, mentioned *, is maintained I know not, but if he be supported by the voluntary contributions of the congregation, I have no difficulty in saying that the nomination ought to belong to them.—Where there is no endowment, there is no patronage; and where contributions are voluntary, those who pay them have a right to select the person who is to receive them.

Confirmation of bishops, & power of the Pope, before the Reformation.

Great stress has been laid on the Pope having had the privilege of confirming bishops in this kingdom before the Reformation; but, if he only possessed that pre-

* Ibid. p. 52.

rogative

rogative by a human law, and the consent of the government, which I think I have elsewhere proved he did, and not by any divine commission annexed to his character, it follows that when the supreme authority of the state takes it from him, we ought to acquiesce in the resumption. It is upon this ground principally that I have endeavoured (2d letter, p. 110.) to dissuade the Catholic bishops of this kingdom from applying to Rome for bulls of confirmation. But, we are told, "All the prelates of the Catholic church acknowledge no right of confirming bishops but in the Pope alone." This is a confident assertion, but not sanctioned by historical evidence. I have shewn (*ibid.* p. 108.) what advice was given on the subject to John King of Portugal, which was confirmed by the whole body of the Gallican prelates. It is well known that Louis XII. and Henry IV. of France forbid their bishops, to apply to Rome for their bulls of confirmation, and that they complied with those prohibitions. In 1718 the Regent consulted a number of the most respectable and learned of the French divines and canonists on the same subject; their sentiments were

G unanimous,

unanimous, that the Pope derived his right of confirmation from the *Concordate**, which himself had violated; they therefore advised the Regent to forbid the application to Rome for bulls, and to order the nominated bishops to apply to their metropolitans for confirmation.

It is asserted, that "those canons which I hold out as obligatory in regard of elections, never had force at all in this kingdom; nor was there ever one bishop, from the days of St. Augustin, elected and ordained in conformity with them."—At the time of St. Augustin, the papal prerogative had considerably increased; before that time however, Christianity had been established in this country, and the following passage in Geoffry of Monmouth proves at least the prac-

* The *concordate* was an agreement made between Pope Leo X. and Francis I. of France, by which the King ceded to the Pope the privilege of giving bulls of institution to bishoprics and abbeys, for which he was paid the first year's revenue of the benefice; and the Pope bestowed on the King the right of nomination to all bishoprics and abbeys in his kingdom.—This *concordate* was always objected to by the French clergy, as a violation of the rights of the clergy to elect, and of the metropolitans to give institution to bishops.

tice of the British church. " The King
 " (Arthur) repaired to York, to celebrate the
 " approaching feast of the nativity of our Lord.
 " When he had entered the city, he grieved
 " at seeing the desolation of the holy
 " churches. For after the expulsion of blef-
 " sed Samson the Archbishop, and all the mi-
 " nisters of the holy religion, the offices were
 " discontinued in the half-burned temples.
 " Such devastation had been made by the
 " fury of the Pagans. Then having con-
 " vened the clergy and people, he appoints
 " his metropolitan chaplain to the See*."

Usher in his Antiquit. Britan. Eccles.
 gives instances of the elections of bishops,
 among which is the following. † " When
 " the above mentioned elders (Germanus
 " and

* " Petivit Rex (Arthurus) Eboracum, instantis na-
 " talis Domini festum celebraturus. Cumque urbem in-
 " trasset, visa sacrarum ecclesiarum desolatione, condo-
 " luit. Expulso namque beato Samson archiepiscopo,
 " cunctisque sanctæ religionis viris, templa semi-usta ab
 " officio Dei cessabant. Tanta etenim Paganorum insa-
 " nia prævaluerat. Exin convocato clero & populo, Capel-
 " lanum suum Metropolitanum Sedi destinât." Galfrid.
 Monumeth. L. 9. C. 8.

† " Postquam prædicti seniores (Germanus & Lupus)
 " Pelagianam hæresim extirpaverant, episcopos pluribus
 G 2 " in

" and Lupus) had extirpated the Pelagian he-
 " resy, they consecrated bishops in many
 " places. But over all the Britons of the
 " right side of Britain, they consecrated as
 " Archbishop, blessed Dubricius a great doc-
 " tor, *chosen by the King and the whole parish.*
 " This dignity being conferred on him by
 " Germanus and Lupus, they placed him in
 " the episcopal See at Llandaff, *by the con-*
 " *sent of the King Mauricus, the princes, the*
 " *clergy and people.*"—In later times, and sub-
 sequent to the coming of St. Augustin, I
 find Lanfrank appointed archbishop of Can-
 terbury by William the Conqueror, * " by
 " the consent and advice of all his barons,
 " and of all the bishops and abbots, and of

" in locis consecraverunt. Super omnes autem Britannos
 " dextralis partis Britanniae beatum Dubricium summum
 " doctorem a Rege & ab omni parochia electum Archiepis-
 " copum consecraverunt. Hac dignitate ei a Germano
 " & Lupo data, constituerunt in episcopalem sedem,
 " *concessu Regis Maurici, principum, cleri & populi, apud*
 " *Podium Lantavi.*"—Usher. Antiquit. Britan. Eccles.

* " Consensu & consilio omnium baronum suorum,
 " omniumque episcoporum, & abbatum, totiusque po-
 " puli Angliæ."—Brev. Relat. de Will. Com. Norman.
 Auth. Anonym.

" the

"the whole people of England."—* "The
 "elders of the same church, with the bishops
 "and princes, the clergy and people of Eng-
 "land electing him in the palace of the King."

—The truth is, the appointment of bishops
 has been as various in England as in other
 countries. Sometimes elections were made
 by the chapter, sometimes by the clergy and
 people of the diocese, sometimes in the great
 council†.

* "Eligentibus eum senioribus ejusdem ecclesiæ cum
 "episcopis & principibus, clero & populo Angliæ, in
 "curia Regis."—Gervas. Dorob. Col. p. 1653.

† Objections have been made to my having proposed,
 that the number of bishops should be increased, in pro-
 portion to the number of the faithful; it was not prob-
 ably recollected, that this is a decree of an English
 council held in 673, at Hereford under Archbishop Theo-
 dore. The words are, *Ut plures episcopi crescente numero
 fidelium auferentur*.—Spelman. Concilia, P. 153.

It is also contended, that if we alter our present unca-
 nonical church-government, we must have the same num-
 ber of bishops which existed in this country before the
 Reformation. In proof of this, a quotation is made from
 a Brief of Gregory XV*. constituting W. Bishop the first
 Vicar Apostolic in this country; but the Brief of Gre-
 gory contains no such words as those which are quoted.
 Dod has indeed related them as part of the Brief, but er-
 roneously; and he has corrected his error in vol 3. p. 6.

* Divine Right of Episcopacy, p. 56.

In

State of
our church
government

In answer to what I stated on the uncertain and arbitrary manner in which our Vicars Apostolic are appointed, it is confidently asserted, that *the right of presentation is vested in the surviving prelates, and that the chief pastor is guided by fixed and unexceptionable rules in this important business**.—This, I own, is to me new. I always thought, and indeed upon authority, on which I could rely, that the court of Rome named whom they thought proper to be Apostolical Vicars, and that they were not bound by any rules in this transaction. As the contrary is however so confidently asserted, I wish some authority to be produced for this assertion. Let the forms in which this *presentation is made*, and the *rules which guide the Pope in this business*, be accurately stated, Till that is done, I must be excused from giving any credit to what has been advanced on the subject. On the contrary I maintain that the authority of the Catholic bishops in this country is merely vicarial, and that they are delegated by the Pope, to govern their clergy according to the orders they receive from Rome, and that there is no rule to guide the Pope in the nomina-

* Ibid. p. 36, and 37.

tion

tion of these delegates, except his own will and pleasure; and that if on a late occasion he had named an Italian layman to be his Vicar Apostolic of the London district, that layman would have been vested with all the authority now possessed by the prelate who presides over it. A vicarial and delegated power is always understood to be conferred, at the will of the person who delegates.

An assertion however has been made of more consequence than the former, and which if true will tend to remove a great part of the irregularity of our present church-government. It is, that our bishops are really ordained for the English mission, and are only consecrated with foreign titles, because it is less invidious to government; whence it is deduced that my only argument is directed against the foreign titles of our bishops. In confirmation of this, a passage is quoted from Van Espen, where, speaking on this subject, he says that such bishops are in reality ordained the bishops and pastors of the Catholic churches over which they preside*.

* Ibid. p. 59.—In producing this quotation, the writer was probably not aware, that the Court of Rome always denied the truth of this position of Van Espen; and that the whole dispute of the church of Utrecht rested upon it.

If this be indeed the situation of our English catholic bishops, our church-government is very different from what I understand it to be. Every bishop when he is ordained and confirmed, has some portion of the flock of Christ committed to his care. "To each bishop a portion of the flock was allotted, to be ruled and governed by him individually," says St. Cyprian*. Now the question is, what portion of the church was committed to our English Vicars at their ordination. I maintain that it was their foreign church, and that their commission to govern their district in England, is a separate concern which is delegated to them at the will and pleasure of the Pope, *ad nostrum & sedis apostolicæ beneplacitum*. If they were ordained for an English flock, the care of that flock could not be taken from them, at the will and pleasure of any person; their rules of governing their district would be similar to those which guide the conduct of other prelates; they would govern their flock by a proper authority derived from their episcopal commission as bishops, and not by a precarious,

* "Singulis pastoribus portio gregis fuit adscripta
"quam regat unusquisque & gubernet."

delegated,

delegated, vicarial commission. I am willing to be decided by the Apostolic Vicars themselves, whether their authority in this country be episcopal or vicarial, whether they are ordained to, and are confirmed in their foreign sees; or whether they receive ordination and confirmation to their English districts: in one word, if they govern their flock in virtue of their episcopacy and the commission annexed to it, or in virtue of a delegation which is totally unconnected with their episcopal character. It is against this precarious uncanonical government, that my arguments are directed; because it deprives us of a regular episcopal church-government.

We have been told, that "there has not before the present time existed a necessity of expounding to the Catholic laity clear, orthodox and received maxims on this subject."*—Have my opponents then totally overlooked the disputes which agitated the English Catholics on this subject, ever since the first nomination of an Arch-priest, with little intermission, till the civil war in the reign of Charles I.? The clergy in this dispute uniformly insisted *not only to have a bishop,*

* Ibid. p. 10.

according to the divine and primitive institution; but that he might enjoy a power equal to others of the same character*. On this subject Dr. Kellion wrote his excellent work entitled *A Treatise of the Hierarchy of the Church*, in which he proves, against those who asserted, that, "the hierarchy, however perfect in itself, does not require to be perfect in each particular place," that every national church ought to have its hierarchy perfect, and that it was not in the power of the Pope to deprive them of it. P. 374. he says, "But some may alledge, that although bishops are necessary in the whole church, yet they are not so necessary for every particular church, but that a particular church may be governed, at least for a time, without a bishop, that is till the time of persecution be blown over and the storm appeased. To this I answer, that if for a time some particular church, which formerly hath had a bishop, or requireth a bishop, be governed by priests or an arch-priest without a bishop, it is a thing accidental and not ordinary, nor according to Christ's institution, who will have his church governed,

* Panzani's Memoirs.

“ not only by one universal, but by diverse
 “ particular bishops.”

Again P. 376.—“ I argue thus: by the
 “ divine law there must be particular bishops
 “ in the church, as in the former chapter I
 “ have proved that there must be: but there
 “ is no more reason why the particular church
 “ of France (for I speak especially of great
 “ particular churches, which are notable
 “ parts of the whole church) should be go-
 “ verned by a bishop or bishops, more or
 “ fewer according to the extent of the coun-
 “ try, rather than the church of Spain, or the
 “ church of Spain rather than the church of
 “ England or Flanders; *ergo* France, Spain,
 “ England, Flanders, and all other particular
 “ churches of extent must be governed by
 “ bishops, and that it hath ever been the prac-
 “ tice of the church to appoint a bishop or
 “ bishops to govern, when the country con-
 “ verted was capable, I have shewed suffi-
 “ ciently in the former chapter.”

P. 388. The same excellent author says,
 “ Thirdly, without a bishop there can be no
 “ particular church. For as St. Cyprian
 “ saith, and we have above alledged, the
 “ church is *sacerdoti plebs adunata, et pastori*
 “ *suo grex adherens.* The church is the people

"united to the priest, (bishop), and the flock ad-
 "hering unto its pastor. And therefore, as I
 "have shewed above, that in the whole church
 "there are many particular churches, as of
 "England, France, Spain, so I have shewed
 "that as the whole church hath one supreme
 "bishop to govern it, who is Peter's successor,
 "viz. the bishop of Rome; so every particu-
 "lar church also must have it's bishop or bi-
 "shops, else it should not be a particular
 "church, and so the whole and universal
 "church should not (as Christ hath instituted)
 "be a hierarchy composed of divers particu-
 "lar churches. Wherefore the Catholics of
 "England all the while they had no bishop,
 "were no particular church, and shall no
 "longer be a particular church, than they
 "shall have a bishop, but shall be a flock
 "without a pastor, an army without a gene-
 "ral, a ship without a pilot, a spiritual king-
 "dom without a spiritual king, a family with-
 "out a good man of the house *."

Many

* These arguments of Dr. Kellison are irrefragable, if
 intended to shew, that the regulations of the church re-
 quired an ordinary bishop: but he unfortunately em-
 ployed them to persuade the Catholics, to receive the
 bishop of Chalcedon. It was answered, that if the Ca-
 tholics were before no church, which must be admitted,

the

Many were the scurrilous pamphlets written against this work of Dr. Kellison: two men however distinguished themselves more than others in this controversy, viz. Edward Knot,

the receiving the bishop of Chalcedon for their ecclesiastical superior, could not remedy the defect; because, although he was a bishop, he was not the bishop of the English Catholics, over whom he had no episcopal jurisdiction, but was only a delegate, sent for their benefit, whom they might admit or reject, as they judged proper. See *Apologia Sanctæ sedis Apostolicæ, &c. Authore Daniele a Jesu.* (viz. Floyd.) There is no argument in this latter work, which does not prove the invalidity of a church government by delegates or vicars apostolic, though the intention of the author was to prevent any episcopal government in England.

The opponents of the bishop of Chalcedon, however unjustifiable in many respects, intrenched themselves behind this invincible argument, viz. that as he was bishop of Chalcedon, he had no episcopal jurisdiction here, but was only a delegate, and that in opposing his assumption of authority here, they opposed not the ecclesiastical jurisdiction of bishops.—The present vicars apostolic are precisely in the same situation, they have no episcopal jurisdiction in these kingdoms. The only difference between me and the opponents of the bishop of Chalcedon is, that they wished to reject all episcopal ministry and jurisdiction, that the state of anarchy, which they found so profitable to themselves, might be continued: whereas I wish the Catholics to be relieved from their present state of anarchy and oppression, by the introduction of a regular episcopal ministry and jurisdiction.

and

and John Floyd, both Jesuits. The doctrine of these men on the subject, was so erroneous, that a neighbouring church thought it necessary to point out to the Catholics of England the poison contained in their books. Accordingly the whole body of the French clergy, after the example of the Archbishop of Paris, and the Faculty of Sorbonne, censured several propositions in these respective works, by which they denied that each particular church must necessarily have it's proper pastor. Two of these propositions I will notice on account of the similarity they bear to an assertion made by a late writer. * "The ordinary hierarchy," says he, "however perfect in itself, I must inform the Layman, does not require to be perfect in each particular place." The condemned proposition of John Floyd is this: "The divine law only requires that there should be some bishops in the church,——by this, the divine law is complied with, although there should be no bishops in France, Spain, or England." Another condemned proposition of the same author was this: "It is very false and dangerous in its consequences, to assert that a

* Divine Right of Episcopacy, p. 57.

"parti-

"particular church cannot exist without a
"bishop."

This controversy was carried on for several years; for the censure of the Gallican church did not reduce these authors to silence. Relying on the protection of the court of Rome: whose pretensions they supported, they hoped to obtain some declaration from that quarter in their favor: but after some time, that court published a decree, by which all books written on either side were suppressed, and the judgement on the merits of the cause reserved to the holy See. This however did not prevent both parties from writing, and the controversy continued for many years: the clergy contending, that they ought to be governed by episcopal authority, denying it to be in the power of any person to deprive them of this right. The Jesuits on the other hand contended, that the Pope having the whole government of the church committed to his care, had a right to govern each portion of it, according to his discretion and judgement: that after the death of those bishops who survived the Reformation, we had fallen under the immediate care of the apostolic See: finally, that we were reduced to the state of a mission, and must of course be governed

governed by those rules, which the See of Rome, the fountain of all missions, thought proper to lay down.

When therefore, after the example of the respectable clergy of the last century, I insisted on the necessity of being governed by ordinary bishops, and of becoming a church instead of a mission, I expected to meet with considerable opposition from men who had studied in the same school, and imbibed the same sentiments as Floyd and Knot. I was not therefore surprised to find that a person, who could write a long treatise to prove the *infal-*
ibility of the Pope, should add an appendix, to prove that whatever was established by his infallible oracle, *was right*, and that it was only for *the convenience of the flock that the vicars of the Pope were invested with the episcopal character.* But I did not expect to find amongst my opponents a man, who professed himself to be a *clergyman*; and it was with some degree of astonishment that I found amongst the foremost and most petulant of my answerers, a person who had been educated within those walls where Dr. Kellison had presided. From a member of that college I expected not to hear that *the Pope is alone the fountain of that jurisdiction and mission which,*
according

according to the canons of the church and the word of God is the essence of episcopal authority. Still less did I imagine I should be told, that the hierarchy does not require to be perfect in each particular place.

Whoever is at all conversant with ecclesiastical writers, knows that a hierarchy has always been established in the church. This hierarchy is composed of the bishops of the different churches, and these bishops are all of the same institution, and all have equal right and authority in the government of their respective dioceses. Whenever therefore any portion of the faithful is deprived of the ordinary episcopal government, that portion can no longer be called a *church*; as it is not governed by any ecclesiastical discipline. It must be evident therefore, that if on any occasion, a kingdom or considerable part of the church of Christ is destitute of the ordinary episcopal government, it is incumbent on the faithful of that country to procure the appointment of regular bishops, that they may become a particular church, and form a regular portion of the great fold of Christ.

To the most inattentive observer, it will appear, that our flock is destitute of this episcopal government, and that consequently we

are no church. They who preside over the different districts, into which we are divided, are indeed bishops: but we must not thence be led to suppose, that their government is episcopal. As bishops, they have no authority whatsoever in this country. The authority they do possess, is entirely derived from a delegation given them by the court of Rome, which authority and delegation may, at the will of the Pope, be given to a priest or layman, who would, in such case, be vested with all the jurisdiction now claimed by any catholic bishop existing in this country. As long as this government is supported amongst us we cannot be said to form any component part of the hierarchy of the church. No provincial synods can be convened for our internal regulations; and should the church assemble in general council, the Catholics of Great Britain have no bishops to deliver their belief, and propose such regulations of discipline, as should seem necessary for their welfare.

If the principle be once admitted, that the Pope may govern the Catholics of this country by Vicars, there can be no reason assigned why he should not do the same in France, Spain, and every other kingdom of Europe.

If,

If for the convenience of the flock, he thought proper to vest these vicars with the episcopal character, it would only require the ordaining them to foreign sees in Asia Minor or Africa, and all Europe would be destitute of a hierarchy. However absurd this may appear, it evidently follows, if the legality of our church government be admitted: nor will it be in the power of any person to prove it more lawful to govern the church of Britain by vicars, than the churches of Spain, or France.

Under every well regulated government, a clergyman is screened from the oppression of his superior. The laws of the church are explicit upon this point: nor is there any thing like despotism in the genuine apostolical government of the church. The redress, on the contrary, is easy to be obtained, and within the reach of every individual.—In the present state of our church government, (if that can be called government, which is regulated by no stated rules), it is nearly impossible for an injured and oppressed ecclesiastic to obtain redress. An appeal indeed to the court of Rome is undoubtedly open to him, but if we consider the circumstances in which he is placed, and the nature of this ap-

Incon-
venience
of our
church-
govern-
ment.

peal, we shall find that it can be of little advantage to him.

The vicars, from whom the appeal is made, are the immediate agents of the Roman court, their acts of authority are pretty uniformly directed to support the pretensions of that court: their delegation depends upon it. We have known an arch-priest recalled, for daring to renounce the deposing power, and persisting in his opinion against the courtly Bellarmine; and we know that a vicar apostolic has no more authority, nor is he of more consequence in the opinion of the papal court, than an arch-priest. Against men thus circumstanced, thus uniform in their support of papal pretensions, what probability is there, that an individual ecclesiastic shall be heard by the court of Rome, even if he can afford the expence of such a process, especially when the cause of the oppression is a resistance to the despotic pretensions of their own agents?

Besides, to constitute a proper appeal, it is necessary that it should be made from one tribunal to another: but if a clergyman should appeal from the apostolic vicars here, to the court of Rome, he does not appeal from a tribunal, for the vicars, from whose decision he

he may appeal, can form no tribunal in this country. They are merely the organs through which the Pope speaks to us; an application therefore to Rome against their decisions, is no more an appeal, than a complaint made to a master of the bad conduct of his steward. The whole redress then which a clergyman has in this case, is the right of making a complaint to the court of Rome, of the bad conduct of it's agents; or, in other words, an appeal from the Pope speaking through the mouth of an Apostolic Vicar, to the same Pope, speaking through the mouth of a Nuncio or a Cardinal.

The government then of the clergy by vicars apostolic, is strictly despotic. Nor is this asserted merely on the nature of the government; we have seen this despotism reduced to practice in these days. A respectable ecclesiastic has been suspended from his functions,* and one of the largest congregations in England deprived of a pastor of their confidence, because he united with other gentlemen, in refusing to surrender to the vicars apostolic an important and public trust. These gentlemen had been instructed by their fellow-

* The Rev. Mr. Wilks of Bath.

citizens, to procure a bill to be brought into Parliament for their relief, and they refused to comply with an *ordinance* from vicars apostolic, to wait for their permission to execute their trust. For joining in this refusal, has an exemplary ecclesiastic been deprived of his functions. Had the *ordinance* been obeyed, we should still have remained under the pressure of the penal laws.

In justification of this act of despotism, no one fault is pretended to have been committed, which, by the laws of the church, is censurable: no neglect of pastoral duty: no violation of any canonical regulation whatever. No process has been followed, which the laws of the church require, no accusation made, no mode of defence allowed. If a government, which is carried on without any forms of legal proceeding, which empowers one individual to oppress another, in violation of all laws human and divine, be not despotic, we are yet to learn what despotism is. If a bishop, or ecclesiastical superior, be allowed to deprive a clergyman, without a canonical fault, specified and regularly proved, it will be in his power to despoil the most respectable of his clergy of their livings, and

and give them to his own creatures and dependants.

The clergy, I trust, will not view with indifference this oppression of a respectable individual: if the precedent is established, they are all liable to similar acts of tyranny. Their religion and their character call upon them to stand forth upon this occasion.—In vain will they endeavour to convince the world of the integrity of their principles, if their actions are to be directed by the arbitrary will of any man. Vain will be their endeavours to give stability to their religion, if their opinions are to be guided by the mutable will of apostolic vicars.—The remedy however is in their hands; they will use it, if they value their religion and characters.—Let them declare, that they will no longer submit to the arbitrary uncanonical government of apostolic vicars: let them insist on having a regular church-government, and pastors properly appointed.—There is no power, which can prevent the accomplishment of their wishes, if they are determined to obtain it.

Convinced then of the irregularity of our present church-government, and of the necessity of establishing a hierarchy, I proposed

in

Method of
obtaining a
hierarchy.

in my first letter the mode which I thought the most proper to obtain it, which was the election of the bishops by clergy and people.— Various at different times have been the modes of naming or appointing bishops in the christian church. During many centuries, the clergy and people of the diocese elected their bishop, and this choice was submitted to the judgement and examination of the neighbouring bishops, who were convened for the purpose, and afterwards of the metropolitan*. In process of time, when cathedral

* I shall not take up my reader's time in proving that the suffrages of the clergy and people really elected the person who was to be made bishop. I have sufficiently proved this point, in my second letter, from the concurrent testimony of the fathers. The author of the *Divine Right of Episcopacy*, although he has cavilled upon the words *effective power*, to which he attributes a sense which Bingham never gave them, and laid great stress on some passages of modern canonists, has conceded sufficient for my purpose. He has acknowledged that the people and clergy gave their suffrages in the election of bishops, and that this election was their right: accordingly he has instanced from De Marca and Thomassin the improper election made of Odacer to the See of Beauvais, on which occasion, say these writers, the clergy and people of Beauvais *lost for that time their right of election*. They could not lose that, of which they had not been possessed.

I must

dral chapters were instituted, these obtained the privilege of choosing the bishop of the diocese: but, as great power and wealth became annexed to the office of bishop, the sovereigns of the respective states found it necessary to interfere in the elections, to prevent improper and disloyal persons from being chosen. This interference, as may easily be supposed, amounted to an absolute nomination. After various contests on this subject, different regulations were adopted in different kingdoms. At present, if we except the new regulations made in France, either the Sovereign names the bishop, or he is elected by the chapter*.

On

I must here add that the detached passages which the same writer has quoted from the modern canonists, are of little consequence in proving what the discipline of the church is in our situation. They all agree that for many ages it was such as I have represented it. Afterwards they deduce the changes which have taken place, and particularly refer to the state of the church in their respective countries. Now these alterations in the local discipline will be found to have been effected by various regulations and circumstances which do not affect us. This observation is applicable to all the quotations he has made in his notes from Van Espen, Thomassin, &c.

* I have not noticed the nomination of the Pope to bishoprics, because that was only done in consequence of

On a view therefore of these different modes of appointing bishops, it is evident that the two generally practised cannot be followed by us. The Sovereign takes no cognizance of our ecclesiastical concerns; nor does he appoint our bishops; Chapters we have not: the only mode therefore which remains, is that which I have recommended, and which is consonant to the primitive discipline of the church; which however departed from, in this as well as many other instances, has never been abrogated.

To obtain the ordination and confirmation of the person elected to be bishop, I have proposed that recourse should be had to the bishops of the province; because it is the method ordained by the ancient canons of the church, and best adapted to our situation in this country*. That this proposal is conformable

the usurped reservations, which were successfully opposed in different countries, and condemned in the council of Basil; and not attempted to be revived by the council of Trent.

* The only inconvenience attending this proposal in the first instance is, that we have no bishops of the province or kingdom: on this circumstance has the author of the *Divine Right of Episcopacy* built a great part of his

formable to ancient practice, my opponents have not the hardiness to deny. Pius VI. also, in his brief of April 13, 1791, acknowledges that it is in virtue of what he calls the *new discipline*, that the right of confirmation has been transferred to the holy See. But the question is, is this new discipline obligatory on us? I answer, it is not. It is only sanctioned by the council of Trent, which is not received by us*: accordingly we find the Pope,

his objections to my proposal. But if we consider, that for a bishop, to ordain and give institution to another bishop, it is not absolutely necessary that he should be of the same province, and that the church has, by a particular law, provided for the case in question, by instructing us to apply to a neighbouring province for a bishop to consecrate and give institution, we shall find that this objection may easily be removed. When John King of Portugal, had not in his kingdom, bishops to consecrate those, whom he had named to the vacant sees, he was instructed to apply to those of a neighbouring kingdom. In this country, we find that a bishop of Rama can consecrate and give institution to a bishop of Acanthos; why could not the same bishop of Rama give institution to a Catholic bishop of the northern district.

* A quotation has been made from Dod, to prove, that Catholics in England admit the discipline of the council of Trent. But I will ask if, at the time Dod lived, any part of the discipline of that council was ob-

Pope, in his controversy with the French nation, is under the necessity of having recourse to the concordates as a foundation for this claim. These can form no ground of such a pretence in England, where no such concordates exist: on the contrary, the laws of the country positively prohibit any application to Rome for bulls*.

In

served in the clandestine marriages, which were then constantly made by Catholics. If since the passing of the marriage act, our practice is more agreeable to that discipline, it is not in obedience to the laws of the council, but to the laws of the land,

* In reply to my letters on the appointment of bishops, frequent recourse has been had to the pastoral letters of the expelled bishops of France, but I have made it appear, that the plan, which I propose, is not similar to that which is objected to by them. It would on the contrary be easy to adduce from the *Exposition des principes du Clergé*, and other works on that subject, proofs, that in our circumstances, the method I proposed to obtain bishops is conformable to the strict rules of ecclesiastical discipline, —Much stress is also laid on the two briefs, which have been issued by the Pope on this occasion, but, a brief of the Pope is of no authority, unless when received and admitted by the church, to which it is addressed: it is also evident, that, unless the Gallican prelates renounce every rule of discipline, by which their church was before regulated, they cannot receive either of these briefs.

These

In the year 1778 the body of English Catholics declared to his Majesty, *that our dissent*

—These instruments therefore, not being admitted, rest entirely on their own intrinsic merits, and the conviction they may convey to rational minds. What their merits are, may be collected from the following propositions, contained in the first, dated 10th of March 1791. Speaking of the liberty of the subject, (p. 12.)—" On this
 " ground they have established, that man in a state of
 " society, is entitled to such an entire liberty, that he
 " ought not to be disturbed on account of his religion:
 " and that he shall have it in his power to think, speak,
 " write, or print what he thinks proper on religious
 " subjects. *Which monstrous propositions*, the Assembly
 " has declared to flow from the equality and liberty
 " which subsist among men."—P. 17. Speaking of the Jews and Infidels on the one hand, and those who have been baptized and are not Catholics on the other:
 " The first ought not to be constrained to profess obedience to the Catholic Church; on the other hand,
 " the others are to be compelled to it, *Contrâ leur volonté*
 " *sunt cogendi*."—This sentence the French translator has falsified.—See Camus—*Observations sur deux brefs du Pape*. So weak are the arguments contained in this brief, that the Pope has asserted (P. 77.) that the regulations of the National Assembly are founded on the same grounds as the constitutions of Clarendon; and that the dissenting Gallican prelates are contending for the same cause, as Thomas a Becket: an assertion which does not entitle him to their thanks: for if the civil constitution of the clergy in France is similar to the constitutions of Clarendon.

gent from the legal establishment, in matters of religion, was purely conscientious. This declaration, I hope, we shall always bear in mind, and consequently conform to every law of our country, either religious or civil, which is not repugnant to our consciences*. No person can pretend to say, that an application to Rome for bulls of consecration, is a conscientious obligation; it is merely a custom, founded on no divine authority, or religious precept, but merely on temporary regulations, and bye-laws, which must always give way to the general laws of our country.

Clarendon in England, it does not intrench on the spiritual power.—The cause of Thomas a Becket has long since been given up.

* “ Quod enim neque contra fidem catholicam, neque contra bonos mores esse convincitur, indifferenter est habendum, & pro eorum inter quos vivitur societate, servandum.” S. Aug. Epist. 118,

On the oath taken by bishops at their consecration, I shall add little to what I before said on the subject. It has been asserted, that De Marca "conceived the ancient promises of obedience to have been the same in substance with the pontifical oath, and to have differed only in matter of form." This is not true. The words of De Marca I quoted p. x. of my Appendix. They are as follows: *Gregory the 7th added some clauses, which entirely change the promise of obedience into an oath of allegiance, which a vassal is bound to make to his lord.*—But, says the same writer,—“De Marca took this very oath when he was consecrated for the see of Paris, without any scruple that ever I could hear of*.” What is this to the purpose? He lived in a country where the laws permitted him to swear allegiance to the Pope, and he did it. With the conduct of De Marca, I have nothing to do: when a *layman*, he wrote ably in defence of the liberties of the church; but in his eagerness for ecclesiastical promotion, he bartered his principles for a mitre.

* Divine Right of Episcopacy, p. 74.—De Marca was not consecrated to the See of Paris, he had been bishop many years, and was archbishop of Toulouse when he was named to the See of Paris.

Pontifical
Oath.

I said

I said p. 41. that the oath taken by John to Pope Innocent was the same as the pontifical oath, with the variation of necessary circumstances. In answer to this, it is triumphantly asked, in what part of the consecration oath bishops swear to defend against all persons the *kingdoms of England and Ireland*? This is really curious; as well might it be pretended, that the oath of a bishop of Milan is not similar to that of a bishop of Albano, because each mentions the see to which he is appointed: this was the *variation of necessary circumstances* which I mentioned. But I ask: if the obedience promised by John is not couched in the same terms as those in the oath of consecration? Do not they both swear, *that they will be faithful to their Lord the Pope, and his successors, that they will not counsel or consent, or be assisting in or to any act whereby they may lose life or limb, or may be seized and ill treated? The patrimony of St. Peter, and particularly the kingdom of England and the kingdom of Ireland, I will assist them, to the utmost of my power, to keep and defend against any man, says the oath of John. The Roman papacy and the royalties of St. Peter I will, saving mine own order, assist them to keep and defend against any man, says the pontifical oath.* I

now

now ask by what possible interpretation the oath of John can be allowed to be an oath of allegiance, and the pontifical oath asserted to be only a promise of *spiritual obedience*? Yet to this absurdity are all those driven who defend the oath in question. If it is not an oath of allegiance, I wish to be informed in what other terms allegiance was accustomed to be sworn*.

Great stress appears to be laid on the supposed effect of my statement of the oath, which, it is asserted, afforded to government a pretence not to grant us that toleration which we lately solicited.—In answer to this, I proposed the abolition of the oath; and urged besides, that the best writers amongst Protestants had invariably stated insurmountable objections to it, so that it was no secret that I was divulging. The only thing for the Le-

* When my opponents expressed so much displeasure, at my calling the oath of the pontifical, *an oath of allegiance to the Pope*, they did not probably recollect, that it is so called by the fourth council of Lateran. In the fifth canon of that council, which defines the rank of the patriarchates, it is said: “Ita quod postquam earum Antistites a Romano Pontifice acceperint Pallium, quod est plenitudinis officii Pontificalis insigne, præstito sibi *fidelitatis et obedientie juramento, &c.*”

gislature to consider then was, whether they thought it an object worth their attention, to insist on its being dropped, and to make this a condition of the toleration granted. Had this been done, our bishops would doubtless in future have complied with the regulation.

But a wise legislator will take many subjects into his consideration before he either notices the oath of consecration, or the application to Rome for bulls. He will examine the interpretations given of it, and the situation of the persons who take it. These persons he will find to be ecclesiastics, who are the teachers of a small body of people, whose opinions, or connexion with Rome can be of little consequence in this country.—If, in examining the interpretations attempted to be given of this oath, he finds that it is asserted to mean no more than a “bond of that union” which catholic bishops are bound to pre-serve with the holy See, and of the respect that is due from them to the Pope and his “successors:” if he is told that when bishops swear *they will not cause the Pope to lose life or limb, or be seized and ill treated*, they mean no more than *an obedience to him in spiritual concerns, in the affairs of their souls*: if he is given to understand, that bishops, by swearing, to
pursue

pursue and oppose all schismatics and rebels to their Lord the Pope, mean no more than opposing those who differ from them in faith, by the word of God, and human reason; if he is informed, that when they swear to go to Rome every three years, they mean that they do not intend to go thither at all; he may smile at the latitude of the interpretation, and wonder that such men can object to the wording of any oath proposed to them; but he will not condescend to attend to the true meaning of the obligation they have taken, because he knows the bad effects of it can always be prevented.

In the same manner, however the old laws of the kingdom prohibit the application to Rome for bulls, knowing that the party, which the catholic bishops can influence in this country, is too small to be dreaded; if there are men who are absurd enough to suppose that the preachers of a religion, which was intended to be propagated over the whole world, cannot lawfully be appointed, without sending to Rome for permission, he may wonder at the absurdity of the supposition; but as he is not in the least interested in the truth, or propagation of their religion, it is indiffe-

rent to him if they apply to Rome or Constantinople for such a permission.

But should there be any legislators, who from their situation, or connexions, might be particularly interested to extirpate the religion of these men, such legislators would encourage them in these proceedings. The more difficulties there are in the appointment of the ministers of a religion, the less that religion will spread: the stronger the obedience sworn to a foreign person, the more that dependance may, on a favorable opportunity, be held forth as an objection to unlimited toleration, and as a motive for salutary restraints. The engagements imposed on the followers of a particular religion, which are not essential to that religion, nor derivable from a divine source, are always encumbrances, which a friend will wish to be thrown off, but which an enemy will encourage you to embrace and adhere to.

Let us not vainly imagine, that no abuses have crept into practice in the Catholic Church; but rather, let us, with candor, acknowledge, and earnestly endeavour, to remove the abuses we discover. Nothing has so much injured religion, as contending, that human institutions and regulations are necessarily

farly connected with it; nor have there been greater enemies to christianity, than those, who have supported the inventions of men, with as much zeal, as the truths of revelation,

As it is not my intention to give an ample discussion on the oath of supremacy, but merely to investigate what the precise meaning of the oath is, I shall add little to what I before said on the subject. The objections which have been made to what I before advanced on this head, are so trifling, that it would be paying no compliment to my readers to dwell upon them.—In discussing the meaning of the oath, I had recourse to the best protestant writers, who have given authentic explanations of it. This, it appears, is not satisfactory to my opponents; yet without it, I know not how we are to ascertain the real sense of it.

Oath of
Suprema-
cy.

The oath requiring us to deny *in a foreign person, any jurisdiction or power ecclesiastical or spiritual within the realm*; it becomes essentially necessary to know what the precise meaning of these words is. If, by the word *spiritual*, is meant any part of that divine commission, which is acknowledged to be given
by

by Christ to his church; it is evident that we cannot take the oath. But, as the same word has often been used in a sense of much greater latitude, so as to extend to persons vested with an ecclesiastical character, and to tribunals, which are really civil, as well in their authority, as in the nature of the causes on which they decide; if the meaning be only to deny any foreign person such an authority or pre-eminence, it is as evident that there can be no religious ground of refusing to take the oath.—Now to ascertain the true meaning of the word in question, we must endeavour to ascertain the sense, in which the oath is understood by the legislature, which proposes it, and the people of the country who take it: and there is no other mode of doing this, than by having recourse to the explanations which have been given of it by authority, and by the most approved writers on the subject. In doing this no person can object to my having examined the reasoning of Protestant authors, for it will scarcely be said, that the Catholics of this country have an exclusive privilege, to ascertain the precise meaning of words used in oaths, and other public instruments.

The

The injunctions of Queen Elizabeth contain the most authentic explanation of the oath in question, as well on account of the authority of the person who gave it, as because that explanation was ratified by Act of Parliament.

To this explanation however it is objected, that she says, that she challenges no other authority, than that, which was enjoyed by Henry the 8th and Edward the 6th; whence it is argued, that, if either of them exercised any spiritual authority, the same was claimed by Elizabeth. This would be true, if she had not added what she meant by the authority enjoyed by them; this she has done in the following words. That is, under God *to have the sovereignty and rule over all manner of persons born within these realms, dominions and country, whether they be ecclesiastical or temporal, so as no foreign power ought to have any superiority over them.* In this sense she declares she is willing to receive the oath, and in this sense is it enjoined by Parliament to be taken. The question then is not what Henry or Edward may have claimed, but what the meaning of the oath is according to this explanation, and the subsequent Act of Parliament.

It

It will, I believe, be readily admitted, that the words of the oath interpreted in this manner, affect not any part of that authority which Christ delivered to his church, and which the pastors of it exercise, independently on any civil power.—But, it is said, “She appointed a commission with the power of inflicting excommunication.”—This objection would be of consequence, if the excommunication inflicted was of a spiritual nature; but it was not; it was that species of excommunication which is inflicted by the spiritual courts in this country, and which is civil in it's nature and effects.—From the authority which I quoted in my former work, and from the concurrent testimony of Protestant writers on this subject, some of whom declare they give their interpretations by authority, it appears that the oath was universally understood in the sense of Queen Elizabeth's injunctions*. Whenever any foreign writer, which

* A late writer has adduced a quotation from Dr. Heylin, and another from Dr. Collier, to prove the falshood of the assertion I quoted from the *Reflections on the Oaths*; but he does not recollect that Dr. H.'s work was published subsequent to the *Reflections*; and Dr. Collier's was not written till many years after.

which was frequently the case, ascribed to the sovereign any spiritual power, it was always treated by the English as a calumny, and rejected as such.

Great care appears to have been taken that this meaning of the oath should be well understood and expressed. An instance of this appears in the *Declaration* which was enjoined to be read by the ministers of the church, before the thirty-nine articles were framed. The fifth article is in these words:—"Furthermore I do acknowledge the Queen's Majesty's prerogative and superiority of government of all states, and in all causes, as well ecclesiastical as temporal, within this realm and other her dominions and countries, to be agreeable to God's word, and of right to appertain to her Highness, in such sort as is in the late Act of Parlia-

I have shewn that Collier is very inaccurate on this subject, which will appear to any person who peruses his history. What he says in the adduced quotation, is a mere assertion without proof.

On the authority of Dod, I attributed the work above quoted to Austin, but I have good grounds to believe that it was written by Cressy. I have had frequent occasions to notice the inaccuracy of Dod in the list of works he attributes to different authors.

M

ment,

"ment, and thence by her Majesty's instructions declared and expounded."——

This sense of the oath was admitted by all our successive sovereigns, and in this sense it appears to have been taken by the nation at large.

The authority then given to the crown by the act of the 1st Eliz. and confirmed by another of the 5th, is not spiritual, according to the true and real meaning of that word: nor have our sovereigns exercised any ecclesiastical authority in this country, except that which appertains to them as head of the establishment; and which has always been exercised, to the same extent, by the sovereigns of France and of other countries. It is usually asserted, by Catholic writers, that, Queen Elizabeth claimed all that jurisdiction which the Popes had before claimed and exercised. This however is not true; the jurisdiction which the Pope exercised in this country before the Reformation, was of a mixed nature; in some things it was civil, and in others spiritual. He exercised the right of taking cognisance of all ecclesiastical causes, and presentations to benefices; and in all such causes, an appeal lay to him from the ecclesiastical tribunals of this country.

try. These are acts of the civil prerogative, which is now annexed to the crown by an explicit law, although properly belonging to it before. The Pope also exercised other powers, which are evidently of a spiritual nature, such as those, which are termed the power of the keys *in foro conscientie*; and these are not now annexed to the crown, nor have they ever been exercised by our sovereigns.

The ministers of the church of England claim all that spiritual authority given by Christ to his church, as descending to them from the apostles, independently on any civil power whatever: all therefore they derive from the crown is that which is super-added by human laws, and which was conferred on the ancient prelates of the church by different christian emperors.—I must also observe that, when, at the Revolution, the oath of supremacy was altered, and only the negative part retained, the meaning of it was not changed, so that by it, only that authority is renounced in any foreign person, which is repugnant to the authority given to the crown by the former part of the oath; which also appears from the title of the act of the 1st Elizabeth, viz. "An Act to restore to the

" crown the ancient jurisdiction over the
 " state ecclesiastical and spiritual; and to
 " abolish all foreign powers repugnant to the
 " same*."

If this be the real sense of the oath, it will be asked, why have Catholics so generally refused that oath? This I have in a great measure answered in my former work. It must be observed, that by it all that power is renounced in any foreign person, which is exercised in any juridical tribunal, or as it was often called *in foro externo*. Now the Catho-

* James II. though a catholic, was head of the church of England, in the same sense as Queen Elizabeth, and exercised all the powers annexed to the crown by the act of the 1st of Elizabeth. These powers then cannot be of a spiritual nature, nor can the acknowledgment of them in the king infringe any article of catholic belief; unless we suppose that a catholic sovereign may conscientiously exercise powers, which a catholic subject cannot conscientiously acknowledge.—Queen Mary was never suspected of heterodoxy, any more than James, on account of denying the primacy of the bishop of Rome, yet she styled herself head of the church.—The following are the titles she assumes, in an original manuscript, in the library of Mr. Astle.

" Marye by the grace of God Quene of Englande
 " Fraunce & Irelande Defender of the faythe and in
 " earthe of the churche of England and allso of Irelande
 " the supreme hedd. To all oure Justices &c."

lic

lie writers at the Reformation pretended, that all jurisdiction in ecclesiastical causes, even *in foro externo*, belonged to the ministers of the Church, to whom they attributed a power strictly coercive. "Of what purpose," said they, "would the power of the church to make laws be, if she could not compel the execution of them?" This compulsion they did not limit to spiritual means, but insisted that she had a right to inflict corporal and civil punishments. It is true, that then, as well at present, the spiritual courts did inflict temporal punishments, but they would not acknowledge, as Catholics now generally do, that this authority was dependant on the civil power. With such sentiments, it must be evident that they would refuse the oath of supremacy, even in the sense given to it by Queen Elizabeth. Of all the early Catholic writers I have seen on this subject, Feckenham, the last Abbot of Westminster, alone appears to have understood and stated the real difficulty, which there was in the wording of the oath; and he appears to have been so well satisfied with the explanation given, that he afterwards declared himself willing to take the

the oath, in the sense of her Majesty's injunctions*.

But, a modern writer, despising all discussion on the subject, peremptorily declares; "Let any one who pleases, take the oath of supremacy, but let him not bring that stigma on the Catholic body of taking it in quality of a Catholic. Nor is there any reason why such a person should keep any measures at all with the church, as in fact the church will keep none with him, but vomit him out of her communion†." This is dogmatical; but is it equally true? This writer must be very ignorant on the subject,

* In Strype's Annals, App. P. 59, are certain articles which are allowed by Dr. Feckenham, signed by him, and witnessed by the Bishop and Dean of Ely, &c.—The third article is as follows.—"Thirdly, He doth verie well allowe of the interpretation of the othe for the Queen's Majesties her Supremacie, as it is interpreted in her Highnesse's injunctions; that is, That the Queen's Majestie, under God, have the soveraintie and rule over all manner of persons born within these her realms, dominions and countries, of what estate either ecclesiastical or temporal soever they be. The which othe he offereth himself to be at all times readie most willingly to receave, whensoever it shall be demanded of him by authoritie."

† *Divine Right of Episcopacy*, p. 88.

if

if he does not know, that many Catholics have taken the oath of supremacy, and written ably in defence of it. He acknowledges that in the reign of Charles II. several lay-catholics took this oath; did the church, to use his elegant expression, *vomit them out of her communion*? But, what is more to the purpose, I find two priests, in the same reign, Andrew Bromwich, and William Atkins, who were condemned to suffer death for the practice of their religion: yet these men had taken the oath of supremacy, and persisted in the lawfulness of it. One of them had prepared a speech to deliver at his execution, in which he openly avowed his sentiments on the subject*. Did these men *bring a stigma on the Catholic body*?

* State Tryals, anno 1679.—Dod's Catholic Church History, vol. 3. p. 359.—Chaloner, in his Memoirs of Missionary Priests, inserts the names of these two men, as Confessors of their religion.

Conduct of the
Catholics in the
reign of Queen
Elizabeth.

In the discussion of the various subjects, which have lately been agitated by the English Catholics, the conduct of their ancestors in the reign of Queen Elizabeth, and their refusal of the oath of James I. have incidentally been mentioned. Some have imagined, that the conduct of many Catholics, in those reigns, was reprehensible, and afforded a pretext to the government, to enact those penal laws, from which we have lately been relieved. Others, on the contrary, have indiscriminately defended, and even extolled the conduct of their predecessors. They pretend not, they say, to be better subjects, than the Catholics were in the reign of Elizabeth, or in the reigns of the Stuarts, to whom they refused to swear allegiance, in the prescribed form of oath. They complain, that their ears have been stunned with the bull of Pius and briefs of Paul, and that the history of the oath of allegiance has been wilfully misrepresented. — To place this subject in a true light, it will be necessary to have recourse to the contemporary catholic writers themselves. In doing this, my readers will, I hope, excuse the multiplicity of quotations, which will be necessary. I shall first exhibit the conduct and sentiments of

of the Catholics in the reign of Queen Elizabeth; and then give an account of the opposition made to the oath of allegiance under her successors.—In doing this, I propose to trace their opinions to the Revolution in 1688.

From the first publishing of the famous bull of Pius V. against Queen Elizabeth in 1569, to this day, the English Catholics have been divided into two parties. The *Papist* party on the one hand, upheld and maintained all the pretensions of the Court of Rome, in which they were supported by all the influence of that Court, sometimes by briefs from the Popes themselves, at other times by letters from Cardinals Protectors, or Prefects of the Propaganda. To these also has that Court always committed the ecclesiastical government, which it has exercised in this country. The other party consisted, and still consists, of the descendants of the old Catholic families, and a respectable portion of the clergy, who, true to the religion of their ancestors, have uniformly opposed, and *protested* against the usurped authority of the Court of Rome, and the mischievous principles, first imported into this country, by the emissaries or dependants of that Court.

N

Soon

Soon after the obnoxious bull of Pius was issued against their Queen, the Catholic bishops, who had resigned their Sees on account of their religious principles, thought it necessary to come forward, and protest against such an assumption of power in the Pope, and to testify their allegiance to their sovereign. They unanimously declared: *Notwithstanding this bull, or any other declaration of the Pope, or any other sentence given, or to be given, we hold Queen Elizabeth to be lawful sovereign of England and Ireland; and that to her as such, allegiance and obedience are due from all English and Irish persons.* They also declared; *that they would, in defence of the Queen, oppose with all their endeavours, all foreign power, whether papal, or procured by papal authority*.*

Some years after, the English secular clergy, in opposition to the papistic party, circulated a letter to the Catholics of England, in which they say: *We in our consciences condemn all foreign jesuitical machinations and rebellions, which have been the cause of the evils, which have befallen us.* After declaring themselves ready to receive any person, who, like Fugatius and Damianus, shall come among them, to

* This passage is taken from Caron's *Remonstrantia Hibernorum*, p. 38, and 39.

pray,

pray, preach, and administer the sacraments; they add; but if the Pope should, under pretence of establishing the Catholic religion, use violence, or the sword, we will oppose him, and will, as good subjects and citizens spill our blood in defence of the Queen and our country.—Lastly, We exhort all Catholics not to listen to jesuitical whisperers, who may attempt to withdraw you from your allegiance, and duty due to her Majesty; and corrupt your minds by sophisticated arguments*.

—Such were the declarations and sentiments of the ancient clergy of this country, in which they concurred with the most respectable lay-catholics, whose minds had not been poisoned by ultramontane principles. Let us now consider the conduct and sentiments of the *Papistic* party on this memorable occasion.

A short time before he issued his bull, Pius had procured the foundation of the seminary at Douay, that a certain number of clergy might be there educated, and afterwards support his cause in England. It was not till some years after, that any number of priests came into England from this seminary; about the year 1580 many came over, and at the same time Campian and Parsons, the two

* Caton—Remonstrantia Hibernorum. p. 39.

first Jesuits, who had been in England. Since the publication of the bull, a rebellion had been excited in the north, and many seditious writings against government had been written and published by Saunders, Bristow and others. The government thinking it necessary to ascertain the principles of those who came into England, proposed to them the following six queries.

I.

" Whether the bull of Pius Quintus against
 " the Queene's Majestie, be a lawfull sen-
 " tence, and ought to be obeyed by the sub-
 " jects of England ?

II.

" Whether the Queenes Majestie be a law-
 " full Queene, and ought to be obeyed by
 " the subjects of England, notwithstanding
 " the Bull of Pius Quintus, or any other Bull
 " or sentence that the Pope hath pronounced,
 " or may pronounce against her Majestie ?

III.

" * Whether the Pope have or had power
 " to authorize the Earles of Northumber-
 " lande

* Pius, not only issued his bull of deposition against Elizabeth, but he also endeavoured to form a league of the powers of Europe against her, and fomented the re-
 bellion

"landes and Westmorland, and other her
 "Majesties subjects, to rebell or take arms
 "against

bellion of the Earls of Northumberland and Westmor-
 land, whom he assisted with money. In his letter to them,
 dated February 20th, 1570, he says, " For behold now,
 " our Lord Jesus Christ, who of old things maketh new,
 " and of new things old, has perhaps determined, by
 " means of you, most dearly beloved men, not more re-
 " markable for the nobility of your families, than for
 " your zeal for catholic piety, to renew and confirm the
 " ancient union between the Roman church and that
 " kingdom; and therefore has inspired your minds with
 " a zeal worthy of your catholic faith, that you may at-
 " tempt to free yourselves and your country, from the
 " shameful slavery of female lewdness, and bring it
 " back to it's former obedience to this holy Roman See.
 " Which your holy and religious endeavour, we com-
 " mend, as we ought, with due praises in the Lord, and
 " bestow on it that benediction which you desire; and we
 " receive and accept, with that kindness which is due;
 " your noble persons, who have had recourse to the
 " power and protection of us, and of the most holy See,
 " to whose authority you have submitted yourselves;
 " exhorting you in the Lord, and entreating you with
 " the greatest possible earnestness of mind, that you will,
 " with constancy persevere in this great enterprize, and
 " so laudable an undertaking.——Which that it may
 " succeed, we will not only assist in performing those
 " good offices with the christian princes, which you de-
 " sire, but we will also contribute as large a sum of mo-
 " ney, as is in our power at present to supply: of which
 " you shall be more clearly and fully informed by our
 " beloved

“ against her Majestie, or to authorize Doc-
 “ tour Saunders, or others, to invade Ire-
 “ lande, or any other her dominions, and to
 “ beare armes against her, and whether they
 “ did therein lawfully or no?

IV.

“ Whether the Pope have power to dis-
 “ charge any of her Highnes subjects, or the
 “ subjects of any christian prince from their
 “ allegiance or othe of obedience to her Ma-
 “ jestie, or to their prince for any cause?

V.

“ Whether the said Doctour Saunders, in
 “ his booke of the visible monarchie of the
 “ church, and Doctour Bristowe, in his booke
 “ of Motives (writing in avowance, commen-
 “ dation & confirmation of the saide Bul of
 “ Pius quintus) have therein taught, testified,
 “ or maintained a truth or a falsehood?

VI.

“ If the Pope doe by his Bull or sentence
 “ pronounce her Majestie to be deprived,

“ beloved son Robert Ridolfi.” — *Apostolicarum Pii 5i Pont. Max. Epistolarum Libri quinque, L. 4. Ep. 10.* — See also L. 4. Ep. 36 — L. 5. Ep. 10. *Vita del Papa Pio quinto da Girolamo Catena, p. 112. & Gabutius De Vita et Rebus gestis Pii Quinti, p. 102.*

“ and

* and no lawful Queene, and her subjects to
 " be discharged of their allegiance and obe-
 * dience unto her: and after, the Pope or
 " any other, by his appointment and autho-
 " ritie, doe invade this realme, which part
 " woulde you take, or which part ought a
 " good subject of England to take?"

These queries were first put to Campian and some priests, who were condemned for a supposed plot, entered into by them abroad, against the person of the Queen. Of the number, two only (Bosgrave and Orton) answered in a manner, which duty would compel every good subject to do, and their lives were spared; the rest suffered death*.

After the proposall of these six articles, Allen,† who was then at Rheims, wrote some letters

* These questions continued to be put to the missions any priests throughout the whole of this reign, and of the 124 priests, who suffered death, I believe few, if any will be found, who answered them in such a manner, as to clear their allegiance from merited suspicion. They were martyrs to the deposing power, not to their religion.

† William Allen was born in 1532, and died in 1594. He was the principal agent in founding the foreign seminaries and places of education, the first of which, was that of Douay, which was founded in 1568, and afterwards endowed

letters to Agazarius, a Jesuit, the first Rector of the English College at Rome, giving him an account of the proceedings in England, and requesting advice on the subject. The following are extracts from those letters, written in 1582.

" I send you a small book in English, published by order of the Queen, * which you will easily take care to have translated into Italian, that all the world may understand the true causes of our persecution, and that they may know, how much we have suffered for our religion, from our adversaries, who openly declare, that they do not put

endowed by Gregory 13th. Allen was afterwards made Cardinal and Archbishop of Mechlin: he was the superior of the English missionaries; and sole director of all their ecclesiastical concerns. The sentiments which he has expressed, in his works, are to be accounted for by his dependence on the King of Spain and the Court of Rome, for the maintenance of his seminaries.—Such are the direful effects of foreign dependencies.

* Probably a book entitled—*A particular Declaration or Testimony of the uncharitable and traitorous Affection borne against her Majesty by Edmund Campian Jesuite, and other condemned Priests, witnessed by their own Confession.*—In this small work, which was published by authority, are recorded the six queries, and the different answers made to them by Campian, &c.

" our

" our associates to death on account of their
 " religion, but on account of the bull of Pius
 " 5th, and the writings of others. I have
 " translated the articles on which they were
 " examined, and send them to you, that you
 " may, if you think proper, shew them to the
 " most illustrious Cardinal Protector, or to
 " some learned divines, that we may learn
 " from them how far, in these capital articles,
 " the Catholics in England may give way.
 " Two lately, (Bosgrave S. I. and Henry
 " Orton) have escaped death, because, as you
 " see, they appeared to attribute little or no
 " authority to the Bull, &c. Yet, a person
 " informs me, that those two men did not an-
 " swer so ill, as our enemies say, and have
 " published in this book *: and he affirms
 " that

* The answers here respectively attributed to Bosgrave
 and Orton, are in substance as follows:—1. He thinketh
 that the bull or sentence of excommunication of Pius 5us
 against her Majesty was at no time lawful, nor of her
 Majesty's subjects to be obeyed.—2. Her Majesty is law-
 ful Queen of this realm, and so ought to be taken, notwith-
 standing any bull or sentence of the Pope.—3. The Pope
 had no power or authority to licence the Earls of N. and
 W. or any other of her Majesty's subjects to take arms a-
 gainst her Majesty: and he holdeth Dr. Saunders and all
 other, that shall upon such warrant take arms against her
 Majesty,

“ that Bosgrave and Orton plainly deny this
 “ to have been their answer: so that no con-
 “ fidence is to be placed in the assertion of
 “ the heretics.”

Allen then proposes the questions, on which
 he desires the opinion of the learned divines.

“ Questions or articles proposed by order of
 “ the Queen to those priests, who, some
 “ months before, were condemned to suffer
 “ death; to which, if they had answered, so
 “ as to give satisfaction to the same Queen,
 “ she would have remitted their sentence of
 “ death, although, in every thing else they
 “ should profess the catholic faith.”—Then
 follow the queries I have stated.—“ To these
 “ questions, which were separately put to
 “ each individual, they answered separately:
 “ to the last, one of them answered different-
 “ ly from the rest *, thus, if the kingdom is

Majesty, as rebels and traitors.—4. The Pope hath not
 any authority to discharge any of her Majesty's subjects
 from their allegiance.—5. Dr. Saunders and Dr. Bristow,
 in the books mentioned and touching the point specified,
 have maintained an untruth and a fallhood.—6. Whatso-
 ever the Pope should do, he would take part with her
 Majesty against the Pope, and this he taketh to be the du-
 ty of every good subject.

* The person here mentioned was Robert Johnson.

“ attacked

" attacked on account of religion, I shall
 " take part with the Pope; if for a civil or
 " temporal cause, I shall take part with the
 " Queen. The others answered this question
 " something differently, viz. that when such
 " a case happened, they would take advice,
 " and act as became priests; in the mean
 " time they requested those who put the
 " questions, not to ensnare them, or draw
 " them into difficulties on a subject that did
 " not exist, and probably never would take
 " place, and on which they at least, knew not
 " what to think. To the five former articles,
 " they all nearly answered in this manner.
 " It was not their business to judge of the
 " act of Pius 5us, or of the writings of Saun-
 " ders and Bristow, but in these, and all other
 " things, they believed as the Roman church
 " taught and believed; that they thought the
 " Queen, and other princes might be excom-
 " municated and deposed by the Pope, for
 " infidelity and similar causes, and that
 " subjects might be absolved from their alle-
 " giance, and that in such cases, subjects
 " might also lawfully bear arms against
 " princes so deposed. To this purpose eight
 " priests have answered, of whom seven, on
 " the 29th and 30th of May were on that ac-

"count put to death, and the eighth expects
"the same happy exit."

Two eminent divines, Maldonatus and Emanuel Saa, who were consulted on these questions, approved much the answers given by these priests. The latter, in answer to the 3d question says,—*"He, (the Pope) plainly has the power, not only of authorising this, but also, if requisite, of commanding it. In what Saunders and others have done, whether they have done right is not for me to judge. This however I dare to say, if they have done any thing, which was ordered them by the Pope, they have done well."*—To the 6th he says: *"What I should do in that case I know not; what I ought to do, I do know, viz. to take part with the Pope, and exhort others to do the same."*

"I have written," says Allen, *"to the Pope on another occasion, by means of the most Reverend Nuntio at Paris, principally upon these sanguinary English articles, which they are accustomed to propose to the priests: to which his Holiness has condescended to give us an answer, which, for good reasons, it is not yet proper to communicate to many."*—These extracts are

all

all taken from some manuscript letters of Cardinal Allen, in the English college at Rome.

Soon after, Lord Burleigh published a treatise entitled, *The Execution of Justice in England*, in which he affirms, that no person had then suffered for his religion; in proof of which he alledges the old clergy, and the numerous catholics, who were unmolested, and contrasts their behaviour with that of the seminary priests, and lays great stress on the evasive answers given to the six queries; by which it appeared that they held the deposing power, and adhered to the bull of Pius.

As Allen had been the principal agent of the court of Rome in establishing the foreign seminaries, he thought it necessary to answer this work of Lord Burleigh; in which he vindicates the propriety of the answers given by the condemned priests to the six queries, and lays down what he calls the *catholic*, but which he should have termed the *papist* doctrine, on the deposing power. The title of his work is, *A true and modest Defence of English Catholiques that suffer for their Faith both at home and abroad: against a false, seditious and scandalous Libel, intituled—The Execution of Justice in England.*

Page 93 he says—"By which examples of
 " holie scriptures, we see, first that annointed
 " and lawfully created kinges may be depof-
 " ed; secondlie, for what causes they were
 " deprived; thirdly, that as in the creation
 " and consecration of kinges, so also, in their
 " deprivation, God used the ministerie of
 " priestes and prophets, as ether ordinarie or
 " extraordinarie judges or executors of his
 " wil towards them."

P. 96.—"And thus it was in the old law.
 " But now in the New Testament and in the
 " time of Christ's spiritual kingdome in the
 " church, priestes have much more sovereign
 " authoritie, and princes far more strict charge
 " to obey, love and cherish the church."
 And afterwards—"Now they have full au-
 " thoritie to forbid us the company of here-
 " tiques, blasphemers, idolaters and such like;
 " and not so much as to salute, much more
 " not to obey them. And lest anie man should
 " think this power to be so merelic spiritual,
 " that it might not in anie wise be extended
 " to temporal or corporal damage or chastise-
 " ment of the faithful in their goods, lives,
 " possessions, or bodies, being mere secular
 " thinges, and therefore not subject to their
 " pastors spiritual or priestly function: it is
 " to

"to be marked in the holy apostles first exe-
 "cution of their commissions and authoritie;
 "that though their spiritual power immedi-
 "atelie and directly concerneth not our tem-
 "poral affaires; yet indirectlie; (and as by
 "accident). It doth not only concern our
 "soules but our bodies and goods, so far as
 "is requisite to our soules health, and expe-
 "dient for the good government thereof, and
 "the churches utilitie, being subject to their
 "spiritual governours." "anagist agast."
 "P. 103. 24" There is no warre in the world
 "so just or honorable, be it civil or foraine,
 "as that which is waged for religion; we say
 "for the true, ancient, catholique, Roman
 "religion; which by the laws of holie church
 "and all christian nations is adjudged to be
 "the onlie true worship of God; and unto
 "the obedience of which all princes and peo-
 "ple have yielded themselves either by othe,
 "vowe, or sacraments, or everie of thes
 "wayes. For this it is godlie and honorable
 "to fight in such order and time, as we be
 "warranted in conscience and lawe, by our
 "supreme pastors and priestes: and not for
 "wilde condemned heresies, against most
 "lawful christian catholiques, kinges and
 "priests; as the rebellious protestants and Cal-
 "vinists

"vinists of this time doe, without all order,
 "lawe, or warrant of God or man. As the
 "armes talken for defence of godlie honour
 "and inheritance in such sort and difference
 "from heretical tumultes, as is said, are so
 "much more commendable and glorious; for
 "that no crime in the world deserveth more
 "sharpe and zealous pursuite of extreme re-
 "venge (whether it be in superiours or in
 "subjects) than revolting from the faith to
 "strange religions."

P. 113. "Likewise when kinges, that be-
 "fore were infidels doe enter by baptisme
 "into the church, they submit their sceptres
 "to Christ, and consequentlie make them-
 "selves subject and punishable, if they re-
 "volt from their faith and promise.

"Upon these conditions therefore, and
 "no other, kinges be received of the bishop
 "that in God's behalf annointeth them:
 "which othe and promise being not obser-
 "ved, they breake with God and their peo-
 "ple: and their people may, and by order
 "of Christ's supreme minister their chiefe
 "pastor in earth, must needs break with
 "them; heresie and infidelitie in the prince
 "tending direclie to the perdition of the
 "commonwealth and the soules of their sub-
 "jects,

“ jests, and notoriouſlie to the annoyante of
 “ the church and true religion, for the de-
 “ fence of which kinges by God are given.”

Afterwards—“ The very bond ſlave, which
 “ is in another kind no leſs bound to his lord
 “ and maſter, than the ſubject to his ſove-
 “ reign, may alſo by the ancient Imperial
 “ laws depart and reſuſe to obey or ſerve him
 “ if he become an heretic, yea *ipſo facto* he is
 “ made free.”

“ Finally the parents that become here-
 “ tics, loſe the ſuperiority and dominion they
 “ have by law or nature over their own chil-
 “ dren.”

“ Therefore let no man marvel that in
 “ caſe of hereſy the ſovereign loſeth his
 “ ſuperiority and right over his people
 “ and kingdom: which cannot be a lawful
 “ chriſtian ſtate or common-wealth without
 “ due obedience to Chriſt and to the church’s
 “ laws; but may well conſiſt and not periſh
 “ at all by change of their prince or king:
 “ no any one perſon being ſimply neceſſary
 “ for the preſervation of the ſame, as ſome
 “ one (being an heretic and enemy to reli-
 “ gion) may and lightly is (if he be ſuffered)
 “ the deſtruction thereof.”

" And thus much may (as we trust) suffice
 " with all reasonable and indifferent persons,
 " for the defence of our brethren's answers
 " touching the question of excommunication
 " or deposition of princes by the Pope:
 " whereof by occasion more shall be said in
 " the next chapter and others following. The
 " libeller's importunate insolency inforcing us
 " thereunto, like as the civil magistrates most
 " captious and bloody conceits constrained
 " some of our blessed brethren before their
 " martirdoms to speak more thereof than
 " otherwise they desired; though nothing so
 " much as by warrant of God's word and
 " holy writ they might have done."—(Chapter
 5th).

Throughout the whole of this work, Allen
 allows that those who were put to death after
 their answers to the six queries, suffered for
 maintaining the deposing power, which
 throughout the greatest part of the book, he
 labours to defend.

Speaking of the assistance given by the
 Pope to the Irish rebels, he says p. 142.—
 " The true way of defence for English pro-
 " testantes in this case touching the warres of
 " Ireland; and for impugnation of the Pope
 " concerning his allowing or assisting the
 " same;

" same; should be (in mine opinion) not to
 " affirm absolutelie (as our fond and most ig-
 " norant libeller doth) that the Pope may no
 " way fight or take armes at al; (for that is
 " against a known truth; and not only we
 " but all Catholiques in the world wil there-
 " in stand against him :) but rather for con-
 " demnation of his Holines actions, to prove
 " that his cause was not just; her Majesty
 " not to stand rightlie excommunicate; not
 " any way to be an heretique, as Pius quintus
 " declared; and consequentlie her subjects in
 " no case to remain absolved from their othe
 " and obedience; of which pointes we may
 " not at al dispute; seeing our defence is on-
 " ly general, that the Pope may in some cases
 " excommunicate; for some causes deprive;
 " and in many respectes fight, and wage warre
 " for religion."

" And it may be thought that the Pro-
 " testantes would never denie this, but in
 " regard of their owne particular interest in
 " some private case only. For they will not
 " affirme, neither doth it displease them (as
 " we thinke) that Pius quintus the last Pope
 " was an author of the late league and warres
 " against the Turke; and had also his cap-
 " taines and banners displayed, in that re-

"nowned battail against him, by the same.
 "Against whose armes, the Turke notwithstanding might as wel have alleaged the
 "scriptures as now our Protestantes doe, to
 "make him put up his sword. For in truth
 "if it be lawful for him to occupie his forces which God hath given him, against the
 "heathen, that be no way under his jurisdiction: much more may he employ them
 "against these whom he accompteth as rebels to the church, which be properlie under his correction: first in respect of their
 "soules; and then secundarilie, of their temporal goodes; so far as is requisite to their
 "soules good."

In the wars of the Low Countries, Sir W. Stanley with an English regiment, garrisoned the town of Deventer; this place he surrendered into the hands of the Spaniards, going over to their camp, with the troops under his command. This act of treachery excited the indignation of all honest men; but Allen saw in it a cause of triumph to his party, and flattered himself it would afford him an opportunity to enforce the preaching of the missionaries by the assistance of the sword.— He says, in a *Letter concerning the yielding up of the citie of Daventrie by Sir W. Stanley, addressed*

dressed to the officers of the regiment, p. 17.

" Yea I say more to you (Gentlemen) seing
 " you desire to knowe my meaning fully, in
 " this point, that as al actes of justice within
 " the realme, done by the Quene's autho-
 " ritie, ever since she was, by publike sen-
 " tence of the Church, and Sea Apostolike,
 " declared an Hæretike, and an enemie of
 " God's Church, and for the same, by name
 " excommunicated, and deposed, from al re-
 " gal dignitie: as (I say) ever sithence the
 " publication therof, al is voide, by the lawe
 " of God and man: so likewise no warre can
 " be lawfully denounced, or waged by her,
 " though otherwise in itselfe, it were most
 " just. Because that is the first condition, that
 " is required in just warre, that it be by one
 " denounced, that hath lawful and supreme
 " power to doe the same: as no excommunicate
 " person hath: especially if he be withal de-
 " posed, from his regal dignitie, by Christ his
 " owne Vicare, which is the supreme powre
 " in earth. And al subiectes are not only
 " absolved, and discharged of their service,
 " oth, homage, and obedience: but specially
 " forbidde to serve, or obey any such cano-
 " nically condemned person. *Nos* (sayth
 " Gregorie the seventh) *sanctorum prædecesso-*
 " *rum*

" rum nostrorum statuta tenentes, eos qui excom-
 " municatis, fidelitate aut sacramento, constricti
 " sunt, apostolica authoritate a sacramento absol-
 " vimus, & ne eis fidelitatem observent, omnibus
 " modis prohibemus: that is: Wee according to
 " our prædecessor's decrees, do asfoyle, and dis-
 " charge al them, that by obligation of oth or fi-
 " delitie, are bound to persones excommunicate:
 " and that they doe not obey such, we do exprefsly
 " forbid. And for their discharge especially,
 " that serve in such warres, there is an ex-
 " press canon of Urbanus the second: Jura-
 " tos milites Hugoni Comiti, ne ipsi, quandiu ex-
 " communicatus est, serviant, prohibeto: qui si
 " sacramentum prætenderint, moneantur, opor-
 " tere Deo magis servire quam hominibus. Fide-
 " litatem enim quam christiano principi jurarunt,
 " Deo ejusque sanctis adversanti; & eorum præ-
 " cepta calcanti, nulla cohibentur authoritate, per-
 " solvere. Which is this in oure tounge: Geve
 " order, that the sworne souldiars of Countie
 " Hughe, serve him not so long as he standeth ex-
 " communicate: and if they pretend their former
 " oth, made unto him, admonish them, that God
 " is to be served, before men. For, that oth,
 " which they made to him then, when he was a
 " christian prince, is not now to be kept towards
 " him, being an enimie to God, and his saintes,
 and

" *and a breaker, and contemner of their com-*
 " *maundements.* These fewe, as I might doe
 " much more, I alleadge, that you may see,
 " the sense of the Catholike Church, which to
 " you, that be the children of the same, wil
 " be a ful warrant, for al your actions, and a
 " guide for al gentlemen, and persons of
 " rightly informed consciences, howe to be-
 " have themselves, when not only the warres
 " are for religion, but when any excommu-
 " nicate, or canonically condemned prince,
 " is one partie. Whom no man by lawe can
 " serve, nor give ayde unto, but he falleth in-
 " to excommunication."

(P. 23. *ibid.*) " To conclude briefly. In
 " these warres, and al others, that may at any
 " time fal for religion, against hæretikes, or
 " other infidels, everie Catholike man is bound
 " in conscience, to enforme himselfe for the
 " justice of the cause. The which when it is
 " doubtful, or toucheth religion (as is said)
 " he ought to imploy his person, and forces,
 " by direction of such, as are vertuous, and
 " intelligent in such cases: but specially by
 " the general pastour of our soules, being
 " Christe's Vicare in earth. Whose soveraigne
 " authoritie, and wisdome, derived from Christ
 " himselfe, may best instruct, and warrant a
 " christian

"christian souldiar, howe farre, when and
 "where, either at home, or abroad, in civil,
 "or foraine warres, made against the ene-
 "mies, or rebelles of God's church, he may,
 "and must breake with his temporal sove-
 "raigne, and obey God and his spiritual su-
 "perieur."

(P. 29. *ibid.*) "It is now some years agoe,
 "sith a gentleman, and capitaine, of my name,
 "wished, and (to say the truth) conferred
 "earnestly with me about it, that as we had
 "certaine seminaries, and colledges for pre-
 "servation, or restitution of the cleargie,
 "when the time should come, to serve God,
 "in our countrie: so that there were some
 "companies of English souldiars also, to be
 "trayned up in Catholike, and old godly mi-
 "litare discipline, for the helpe of our said
 "countrie, in that kind likewise. Which
 "thing being honorably begune, by divers
 "noblemen and gentlemen before: so I trust,
 "God hath brought to passe in you nowe, that
 "it shal be finished, to the universal comfort
 "of us al, and the great good, and hope of
 "our nation. For redressing the evils wher-
 "of, it is as lawful, godly and glorious for you
 "to fight, as for us priestes to suffer, and to
 "die. Either the one way, or the other, for
 "defence

" for defence of our father's faith, is alwaies
 " in the fight of God, a most precious death,
 " and martyrdom. And great comfort (truly)
 " it is to me, and hope to our poore countrie,
 " that in this our desolation, our merciful
 " Lord hath leift us seed in both sortes: And
 " that I may truly say to you, the wordes of
 " St. Augustin, to Countie Boniface: *Alii pro*
 " *vobis orando pugnant, contra invisibiles inimi-*
 " *cos: vos pro eis pugnatis, contra visibiles bar-*
 " *baros.* God (saith he) geveth his giftes di-
 " versly: *Others by prayers fight for you, against*
 " *your invisible enemies: and you fight for them,*
 " *against visible heretikes, or (as he speaketh)*
 " *against the barbarous.* So goodly a thing it
 " is, for the priest and souldiar to concurre, in
 " the service of God, and their countrie, to-
 " geather."

Such were the sentiments of this founder
 of the English houses of education abroad:
 during his life he entirely guided and directed
 the conduct and principles of the English
 missionaries, and had an absolute sway over
 all their places of education. It is not there-
 fore to be wondered at, if the old clergy, and
 the loyal catholics, who uniformly abhorred,
 and *protested* against such opinions, should
 loudly complain of the ruin, which the propa-

gation of them, brought upon themselves and their families. To those opinions we are indebted for the penal laws.

In 1588, soon after the defeat of the Spanish armada, a *letter* was published, supposed to be written from a priest in England to Mendoza, the Spanish ambassador at the court of France. The author, speaking of the sentiments of the English Catholics, says, p. 3. "For I do find and know, that many good and
"wise men, which of long time have secretly
"continued in most earnest devotion to the
"Pope's authoritie, begin now to stagger in
"their mindes, and to conceive that this way
"of reformation intended by the Pope's Ho-
"lines is not allowable in the sight of God, by
"leaving the ancient course of the church by
"excommunication, which was the exercise
"of the spirituall sword, and in place thereof
"to take the temporal sword, and put it
"into a monarche's hand to invade this
"realme with force and armes, yea to de-
"stroy the Queene thereof, and all her peo-
"ple addicted to her: which are in very truth
"nowe seene, by great prooffe this yeare, to be
"in a fort infinite, and invincible, so as some
"begin to say that this purpose by violence,
"by blood, by slaughter and by conquest,
"agreeth

"agreeth not with Chrifte's doctrine, nor the
 "doctrine of St. Peter or St. Paule. And to
 "tell your Lordship truly, I find presently a
 "great number of wise and devout people,
 "though they continue in their former reli-
 "gion, yet do they secretly condemne this in-
 "tended reformation by blood and force. In
 "so much as I heard a good divine alledge a
 "text of St. Gregorie in these words, *Quid*
 "*de episcopis qui verberibus timeri volunt canones*
 "*dicunt bene paternitas vestra novit, pastores su-*
 "*mus, non percussores. Nova enim est predica-*
 "*tio, quæ verberibus exigit fidem.* This sen-
 "tence I obtained of him, because it seemeth
 "to be charitable written. But leaving this
 "authoritie among doctors, I must needs
 "say that in very trueth no one thing hath
 "done at this time more hurt to the action,
 "than the untimely hastie publishing abroad in
 "this realme before this armie of Spaine was
 "readie to come forth to the seas, of sundry
 "things written and put in print, and sent into
 "this realme, to notifie to the people, that all
 "the realme should be invaded and conquered,
 "that the Queene should be destroyed, all the
 "nobilitie and men of reputation, of honour
 "and wealth that did obey her, and would
 "defend her, or that wold withstand the inva-
 "sion

" sion, should be with all their families rooted
 " out, and their places, their honours, their hou-
 " ses and landes bestowed upon the conquerers:
 " things universally so odiously taken, as the
 " hearts of all sorts of people were enflamed:
 " some with ire, some with feare, but all sorts
 " almost, without exception, resolved to ven-
 " ture their lives for the withstanding of all
 " maner of conquest, wherewith every body
 " can say this realme was not threatned these
 " five hundreth years and more.

" These reports were brought to this realme
 " with good credit, not in secret but in pub-
 " lique writings and printings, and tooke deepe
 " roote in all kind of people of this land:
 " and indeed was of the more credit, first by
 " reason of a new *Bull* lately published at Rome
 " by the Pope's Holinesse (which I have seene)
 " with more severitie then others of his pre-
 " decessors, whereby the Queene here was
 " accursed, and pronounced to be deprived of
 " hir crowne, and the invasion and conquest
 " of the realme committed by the *Pope*, to
 " the *King Catholique*, to execute the same
 " with his armies both by sea and land,
 " and to take the crowne to himselfe, or to
 " limit it to such a *potentate* as the Pope and he
 " should name. And secondly, there followed
 a large

" a large explanation of this bull, by sending
 " hither a number of English bookes printed
 " in *Antwerp* even when the navie of Spaine
 " was dayly looked for, the originall whereof
 " was written by the reverend father *Cardi-*
 " *nall Allen* in Aprill last, called in his owne
 " writing the *Cardinall of England*, which
 " booke was so violently, sharply, and bitterly
 " written, yea (say the adversaries) so arro-
 " gantly, falsly, and slanderously, against the
 " person of the Queene, against hir father
 " King Henry the eight, against all her nobilitie
 " and counsell; as in very truth I was hartily
 " sory to perceave so many good men of our
 " religion offended therewith, in that there
 " should be found in one accompted a father
 " of the church, who was also a borne subject
 " of this crowne (though by the adversaries
 " reported to be very basely borne) such foule,
 " vile, irreverent, and violent speeches, such
 " irefull and bloody threatenings, of a Queene,
 " of a nobilitie, yea of the whole people of his
 " owne nation."

I will add a few more quotations to shew
 that the doctrine of the deposing power was at
 that time the uniform tenet of the *papist* party.

Stapleton,

* Stapleton, under the name of Rossæus, (*De
justa Reipublicæ Christianæ Authoritate*) says,
p. 638. "That when by the impietie of the
" prince, the state of religion and of the
" church is brought into danger, then it is the
" duetie of godly men, and monkes, *pexagraræ*
" *civitates*, &c. to goe from citie to citie, and
" from province to province, to admonish,
" exhort and follicite all christian men to
" that manly constancie and fortitude, which
" doeth not only consist in wordes, but in
" deeds, and to preach, that all oathes and
" covenants made unto kings against the ca-
" tholicke faith, are of no force, nor ought to
" be observed by a christian man."—(See ex-
amination of G. Blackwell, p. 135.

And in another place, p. 579.—"Are bi-
" shops," saith he, "bound to instruct such
" as are committed to their charge, that they
" should refraine from the conversation of an
" hereticall king; that they ought not to as-
" sist him, either in warre, or peace; that all
" men, being ignorant, yea, idiots ought to

* Thomas Stapleton, born in-Suffex, an eminent pro-
fessor in the universities of Douay and Louvain, to which
he had retired, and one of the ablest writers and contro-
vertists of his age. He died in 1598.

"learne

"learne to reason after this sort, *such a man*
 " *is an heretique, and therefore he hath no power*
 " *over us that bee catholiques:* and are not no-
 " ble men likewise bound, to instruct their
 " servants that they ought to resist such an
 " heretique, now no king, as hee who hath
 " no right to his kingdome, but a tyrant, or
 " a thiefe unjustly usurping dominion over
 " them? Doeth the Holy Ghost teach us,
 " that the hate of an heretique is to bee offered
 " unto God for a great sacrifice, and that we
 " are to avoid him as a canker; and yet shall
 " it be held unlawfull to resist that canker,
 " which endeavoureth to corrupt us, and to
 " repell his force from us with our swords,
 " who are commanded to cut off our owne
 " fleshe, if it be infected with such a can-
 " ker."

Parsons, * under the signature of Philo-
 pater, in a work quoted by Gooden, says,
 "The

* Robert Parsons was born in Somersetshire in 1546.
 After being some time Fellow of Baliol College in Ox-
 ford, he went abroad and entered among the Jesuits. In
 1580, he came into England with Campian, but soon re-
 turned to Rome, where he was made president of the
 English college. He was particularly useful to Allen, in
 procuring for him supplies for his college at Douay. By
 this he gained a great ascendancy over his mind, and
 principally

" The whole of divines and canonists do
 " hold, that it is certain and of faith, that

principally directed him in the concerns of the English mission. The number of Jesuits who afterwards came to England, and who were all subservient to Parsons, and the influence he had obtained at the court of Rome, made his sway over the catholic clergy almost unbounded. He was the pensioner of the King of Spain, whose views, in opposition to those of his sovereign, he unremittingly pursued. Towards the close of the reign of Elizabeth, he strenuously supported the pretensions of the Spanish monarch to the crown of England, in opposition to those of James; for this purpose, he wrote a book on the succession, under the name of Dolman, entirely calculated to support the Spanish claim to the throne of this kingdom. Such was his ascendancy over the minds of the catholics at that period, that more pains were taken by many missionaries to support the pretensions of the king of Spain, than the real interests of religion. To his intrigues, and to those rebellious principles already stated, which he inculcated into his numerous adherents, is the enacting of the penal laws more to be attributed, than to any other cause. They afforded a pretence for imposing them, and a plausible plea for their continuance.

After the accession of James, he was the most strenuous opposer of the *oath of allegiance*, and the principal instrument in procuring the condemnation of it from Paul 5th.—He died in 1610.—His activity was persevering, his industry indefatigable, and his talents uncommon: but they were unfortunately exercised in opposition to his country and his sovereign, and to the detriment of religion.

" any

" any christian prince whatsoever, if he
 " shall manifestly deflect from the catho-
 " lic religion, and endeavour to draw o-
 " thers from the same, does presently fall
 " from all power and dignity, by the very
 " force of human and divine law, and that
 " also before any sentence of the supreme
 " pastor or judge denounced against him, and
 " that his subjects whatsoever are free from
 " all obligation of that oath, which they had
 " taken for their allegiance to him, as their
 " lawful prince: and that they may, and
 " ought (if they have forces) drive out such
 " a man, as an apostate, or heretic, and a
 " backslider, from the Lord and Christ, and
 " an enemy to the commonwealth, from
 " all dominion over Christians, lest he in-
 " fect others, or by his example or com-
 " mand, avert others from the faith, and that
 " this certain, definite, and undoubted opi-
 " nion of the best learned men is wholly a-
 " greeable and consonant to the apostolical
 " doctrine." *

Whoever wishes to be more acquainted
 with the sentiments of the *papist* party in

* See Controversial Letters, by Peter Gooden, Letter
 I. p. 15.

the reign of Elizabeth, may consult the *Important Considerations set forth by the secular Priests in 1601*; as likewise the letters of Cardinal d'Offat, particularly letters 43, 268, 291, 292, and 322. In these the reader will find the real motives of the kind reception the English fugitives received from Philip and the Pope; and what was the principal employment of Allen and Parsons at the courts of Rome and Spain. He will find that the foreign seminaries at the close of her reign were more instrumental in promoting the interests of the Spanish court, than those of religion.

To prove the supposed loyalty of the Catholics at this period, much stress is laid* on the protestation of allegiance made to Queen Elizabeth, 1602, by thirteen secular priests.—On this subject I must observe, that previously great disputes had arisen between the Jesuits and secular clergy; the former were always the most strenuous supporters of the papal pretensions; it is not therefore to be wondered at, if thirteen secular priests should sign their names to a protestation of allegiance, when they had reason to expect an exemption from the penal laws for so doing;

* *Divine Right of Episcopacy*, p. 90.

the only subject of surprise is, that so few as thirteen signed it. Had this instrument been signed by the whole body of English priests, I would willingly admit that it contained the sentiments of the Catholics at that time: but at present it only affords a lamentable proof of the prevalence of the *papist* party, when so few could be induced to sign it, and the promoters of it were treated at Rome as rebels to the see apostolic *. William Bishop, the chief

* " And that this was no suspicion groundlessly taken
 " or invented, there was produced a well known verified
 " story happening towards the latter end of Queen Elizabeth's reign: for that queen being at last satisfied of
 " the loyalty of certain catholic priests, had a purpose
 " to shew some indulgence and qualification of the laws
 " to them. Hereupon certain of their brethren went to
 " Rome to carry such good news thither, whither being
 " come, they were by that party branded with the names
 " of *schismatics, spies and rebels to the see apostolic*."—(*Reflections on the Oaths of Supremacy and Allegiance.*)

See also in Caron Remonstrantia Hibernorum, p. 32. a curious criticism on this instrument by the university of Louvain, wherein they declare, that although it contains some positions, which are not true, it does not contain absolute heresy; inasmuch as it does not deny to the Pope, in all cases, the right of deposing kings, but only in the particular case of Queen Elizabeth at that time:
 " Wherefore, say they, although by signing this instrument the guilt of ignorance and imprudence may have

chief promoter of this instrument, was afterwards named to be bishop in this country; it must however be noticed, that it was done with great reluctance by the court of Rome. As the nomination was made with the approbation of King James in 1623, care was taken, we may be assured, to choose a person, whose principles were not obnoxious to that jealous prince. In governing his flock, this bishop proceeded according to the rules of the church, as if he had been a regular English bishop; this gave offence to the Roman court, and his successor, Dr. Smith, following his example, was overwhelmed by the *papist* party,

“been contracted, the integrity of the faith on the subject of ecclesiastical power being preserved; it is not thence to be concluded, that, from the commission of these sins, which proceed from human temptations, there follows an absolute incapacity and inability to perform ecclesiastical functions and duties.”

The *six queries* in the reign of Elizabeth, I have observed, were proposed, to distinguish between the loyal catholic, and the abettor of dangerous ultramontane doctrines and principles: for the same purpose was enacted the *oath of allegiance* * in the third year of the reign

Oath of
Allegi-
ance.

* The oath was in these words. " I A. B. do truly
" and sincerely acknowledge, professe, testify and de-
" clare in my conscience before God and the world,
" that our Sovereign Lord King JAMES is lawful and
" rightful king of this realme, and of all other his Ma-
" jesties dominions and countries; and that the Pope
" neither of himself, nor by any authority of the church
" or see of Rome, or by any other means, with any o-
" ther, hath any power or authority to depose the King,
" or to dispose of any of his Majesties kingdoms or do-
" minions, or to authorise any foreign prince to invade
" or annoy him or his countries, or to discharge any of
" his subjects of their allegiance and obedience to his
" Majesty; or to give licence or leave to any of them
" to bear armes, to raise tumults, or to offer any violence
" or hurt to his Majesties royal person, state or govern-
" ment, or to any of his Majesties subjects, within his
" Majesties dominions. Also I do swear from my heart
" that notwithstanding any declaration or sentence of ex-
" communication or deprivation made or granted, or to
" be made or granted by the Pope or his successors, or
" by any authority derived, or pretended to be derived
" from him or his see, against the said King, his heirs
" or

reign of James. This oath, when first proposed, was eagerly and generally taken by many

“ or successours, or any absolution of the said subjects
 “ from their obedience; I will bear faith and true alle-
 “ giance to his Majesty, his heirs and successours, and
 “ him and them will defend to the uttermost of my power
 “ against all conspiracies and attempts whatsoever, which
 “ shal be made against his or their persons, their crown
 “ and dignity, by reason or colour of any such sentence
 “ or declaration, or otherwise; and will do my best
 “ endeavour to disclose and make known unto his Ma-
 “ jesty, his heirs and successours, all treasons and traiter-
 “ ous conspiracies which I shall know or hear of to be
 “ against him or any of them. And I do further swear,
 “ that I do from my heart abhor, detest and abjure as
 “ impious and hereticall this damnable doctrine and po-
 “ sition, That princes which be excommunicated or de-
 “ prived by the Pope may be deposed or murdered by
 “ their subjects, or any other whatsoever. And I do be-
 “ lieve, and in my conscience am resolved that neither
 “ the Pope nor any other person whatsoever hath power
 “ to absolve me from this oath, or any part thereof,
 “ which I acknowledge by good and full authority to
 “ be lawfully ministred unto me, and do renounce all
 “ pardons and dispensations to the contrary. And these
 “ things I do plainly and sincerely acknowledge and
 “ swear according to these expresse words by me spoken,
 “ and according to the plain and common sense and un-
 “ derstanding of the same words, without any equivoca-
 “ tion or mental evasion, or secret reservation whatso-
 “ ever. And I do make this recognition and acknow-
 “ ledgment

many of the secular clergy, of the Benedictines, and of the lay Catholics. But it contained too explicit a disavowal of the *deposing power*, to escape the animadversions of the *papist* party: they accordingly, by means of their agent, Parsons, who was then at Rome, obtained the condemnation of it from Paul the 5th. His first brief is dated in 1606, wherein he declares that *the oath contains many things which are contrary to faith and salvation*, and strictly admonishes the English Catholics to *refuse taking this, or any similar oath*. The authenticity of this brief was at first by many called in question, and it was asserted that it had been obtained on false pretences. To remove this pretext, a second brief was issued in the following year, declaring that the prohibition contained in the first brief, which was then renewed, had been issued with due deliberation and knowledge of the subject. In the following year, Blackwell, who had been some years * arch-priest

in

their application, and by his advice in 1598, Blackwell

"I do acknowledge heartily, willingly and truly, upon the true

"faith of a Christian: so help me God."

* After the death of the last surviving bishop of those who were deprived in the first year of Elizabeth, the catholic clergy applied to Rome, to have one or more bishops ap-

"pointed

in England, was removed, by an order from Rome, from his station, for having taken the oath, and Birket was appointed to succeed him. On this occasion a third brief was issued, repeating the condemnation of the oath, and ordering all priests, who had taken it, and did not retract within a limited time, to be deprived of their faculties. For this purpose two months were allowed by Birket, who had received his injunctions from Rome, after which all the clergy, who took the oath, were deprived of all faculties and privileges granted by the See Apostolic.

In the year 1626, a fourth condemnation was set forth by Urban the 8th, in which he says: "And if violence should proceed so far, "as to compel you to take that pernicious "and unlawful oath of allegiance of England, remember that what you utter is heard "by all the assembly of angels, who are beholding you. And let your tongue cleave

pointed; but Parsons, who was then at Rome, thwarted their application, and by his advice in 1598, Blackwell was appointed superior of the clergy, with the title of *archpriest*. The clergy remonstrated against this extraordinary species of government, but not daring to adopt canonical methods of redress, they were obliged to submit.

"to

" to your mouth, rather than diminish, by this
 " form of oath, the authority of St. Peter;
 " for in it, not only is allegiance given to
 " the king, but the sacred sceptre of the uni-
 " versal church is wrested from the vicar of
 " Almighty God. That which our prede-
 " cessor Paul 5th, of blessed memory, de-
 " creed with such great deliberation, that
 " ought ye altogether to observe as a decree
 " of truth."

It has been asserted that the only difficulty,
 to which this oath was liable, was in applying
 the word *heretical* to the doctrine of the de-
 posing power: but this assertion is contra-
 dicted by the uniform conduct and declara-
 tions of the court of Rome, and the writings
 of those who combated the lawfulness of the
 oath. From these it will appear, that the ob-
 jection made to it, and the ground of it's re-
 peated condemnation, was the explicit denial
 of any power in the Pope, on any occasion to
 depose kings; and that the word *heretical*
 could only be objectionable to those who
 maintain the deposing power.

That this was the real ground of the con-
 demnation of the oath, must be evident from
 the words I have quoted, as well from the
 brief of Paul as that of Urban; one improper

S

expression

could not justify the assertion that *many things are contained in it contrary to faith*; nor could Urban have said on that account, that *it wrested his sacred sceptre from his hands*. But this is more evident from the letters of Parsons, the principal agent in procuring the condemnation, who thus writes from Rome: "About
 " four or five months past, a consultation was
 " held of seven or eight of the most learned
 " divines, who could be chosen, to give their
 " judgment on it (the oath); their reasons
 " are many, but all reduced to this, that it is
 " of faith, that the Pope hath authority to
 " chastize princes on just grounds, and conse-
 " quently when it is called in question, it can-
 " not be denied, without renouncing our
 " faith; and that neither the Pope or any
 " other authority can dispense in this case."

"For if the question were *de facto* and not
 " *de jure*, viz. whether the Pope might justly
 " on this or that occasion, excommunicate or
 " depose this or that prince, upon such and
 " such causes; or whether former Popes have
 " done well or not therein; then might some
 " of those reasons, which you say your friends
 " alledge, be admitted into consideration;
 " viz. whether it would be to edification or
 " destruction, do hurt or good, be profitable
 " or

" or unprofitable ; or whether the causes be
 " sufficient or not : (for without cause none
 " holdeth the Pope may depose :) or whether
 " the due form of admonition touched in your
 " letters were observed. But, forasmuch as
 " the question is of the right and power of
 " the Apostolic See, what it may do upon any
 " cause, or against any catholic prince what-
 " soever, these considerations of temporal
 " hurt cannot have any effect *."

" Besides these, I have conferred with
 " Cardinal Bellarmine, and sundry others of
 " great learning and conscience, and all are
 " of one opinion in this case, that the form of
 " the oath as it is drawn, is heretical, and no

* In this distinction lies the difference between the
 protestation signed by 13 priests above mentioned, and
 the oath of allegiance of James ; the former only declared
 that they would not attend to any excommunication or
 sentence of deposition issued against Elizabeth, but said
 nothing of the power of the Pope to depose in general :
 for this reason, though it was said to be sinful, it did not
 intrench upon catholic faith : but the oath of James de-
 nied to the Pope any power to depose princes on any pre-
 tence whatever : this it was which was reprobated as con-
 trary to faith ; and this was the ensnaring, captious
 clause, of which we read so much in the writings of those
 who opposed the oath.

“ way may be admitted by him that will not
 “ deny the catholic faith *.”

After the oath had been condemned by Paul in his briefs, the Catholics who were deterred from taking it, drew up three new forms of an oath, which they vainly flattered themselves might be admitted by the court of Rome. “ There is a form sent hither of a
 “ new oath,” says Parsons to Birket the arch-priest, “ set down in divers fashions, and
 “ therewithal is an English memorial to the
 “ lords of the counsel, in your name, and of
 “ your assistants, and of the provincials of the
 “ Benedictins, Franciscans, and Jesuits; a
 “ certain particular form of oath; which, as
 “ I have not had time to confer it with any
 “ learned men, much less with his Holiness,
 “ because the post is presently to depart; so
 “ I do assure myself, that it will be misliked,
 “ and most of all by his Holiness, that any
 “ forwardness should be shewed to such oaths,
 “ wherein either *tacite* or *expresse*, his authority
 “ is impugned, &c. And for your own part,
 “ I would give you this counsel; that you
 “ be always the last in these matters; and

* Widdrington—Disputatio Theologica de Juramento Fidelitatis, p. 339.

“ urge

"urge still his Holiness, for particular direc-
 "tion; wherein, here, we shall assist you,
 "what we may. Even now cometh a resolu-
 "tion from his Holiness and the Inquisition;
 "which is to be intimated to you by the Pro-
 "tector-Cardinal Farnesius; but I know
 "not, whether he can do it by this post or no.
 "The effect is, that you may admit them
 "(priests, that had taken the oath of alle-
 "giance) that do return *post tempus præscriptum*
 "*duorum mensium, imposita illis salutari*
 "*pro arbitrio suo pœnitentia*; and so may re-
 "store them their faculties again. This light
 "I thought fit to give you now of the matter.
 "—The moderation, or temperance of them,
 "that will promise not to teach or profess
 "publicly, but in private will hold their
 "opinion; is rejected utterly," &c. (Dod,
 vol. 2d. p. 485.

In the reign of Charles I. the Catholics
 were much divided on the necessity of having
 an episcopal government, and on the lawfulness
 of taking the oath of allegiance. To settle
 these disputes, the Court of Rome sent over
 Panzani, an Italian prelate: in his memoirs
 an account is given of his endeavours to
 quell the differences on these subjects. Soon
 after he arrived in England, he had a conference

rence with Windebank, who was secretary of state. Panzani pleaded for a repeal, or at least a relaxation of the penal laws against Catholics; to this Windebank replied that the King had been very merciful to them, but added that he was particularly displeased that so many of them refused to take the oath of allegiance, and suggested by way of advice, that the Pope should recall, or moderate the briefs, which were in force against those who took it. Panzani said, that he had no particular commission on that subject, but it was his opinion that nothing would be altered in the briefs, unless the oath was framed in a manner more agreeable to the See of Rome: "but," he added, "I know it is the Pope's pleasure that the Roman Catholics answer all the demands of civil allegiance." "If this be true," answered the Secretary, "let the Pope draw up the form of an oath and send it hither." Panzani promised to write to Rome, and flattered himself that the application would have the desired effect, of having an oath of allegiance framed, which would be palatable to the most scrupulous, and pleasing to the Court of Rome. He soon received a letter which blasted all these hopes; Cardinal Barberini informed him that the Court of Rome

Rome was very much displeased at the liberty he had taken in declaring himself on the subject of the oath. He told him that Rome ought to be very cautious and rather passive in controversies of that nature. "For," said the Cardinal, "should we pretend to draw up forms of oaths, the English will pretend to be judges of the qualities of them, whereas it is our business to act as judges, where faith is attacked or endangered. Panzani was also told that the method he took to silence both parties on this subject, was an injury to the right his Holiness claimed in that controversy. "I cannot say," says the Cardinal, "but you acted prudently in giving no umbrage to the ambassadors of France and Spain, by making yourself public; I wish you had been as cautious in relation to the oath.—It may perhaps be a stroke of politics, whereby the ministers of that court endeavour to draw something from you. Such practices are very common. It might perhaps not have been amiss to have mentioned in general terms, something concerning the oath to Secretary Windebank, but you went too far in making proposals. In things of that kind, it is your business to see, hear and observe. It is a piece of necessary
 " policy

"policy not to seem to be fully informed of
 "matters.—The softening of the Pope's brief,
 "which Windebank mentioned, was a dange-
 "rous topic. You entered unadvisedly upon
 "that subject, yet were in the right to reply,
 "that not repealing, but softening, was to be
 "the thing insisted on. I wish however you
 "had never mentioned any thing of sending
 "hither about the form of an oath.—Should
 "we form an oath here and send it to the
 "King, they would examine and censure
 "it in England. On the whole it is my ad-
 "vice that you disengage yourself as well as
 "you can from this troublesome affair of the
 "oath*."

Thus were the Catholics left exposed to
 persecuting sanguinary laws, and their con-
 sciences tormented by repeated mandates from
 Rome, because that Court refused to co-ope-
 rate with the government of the country, in
 framing for them an oath of allegiance.

* Panzani's Memoirs. MSS. in Dod's papers.—These
 memoirs contain much curious matter, and I hope will
 be given to the public.

In

In 1647 a great number of the English Catholics, upon promise of obtaining a toleration for their religion, signed the following negative propositions.

The three
negative
propositions

I.

"The Pope or Church hath no power to
"absolve any person or persons whatsoever
"from his or their obedience to the civil go-
"vernment established in this nation.

II.

"It is not lawful, by the Pope's or Church's
"command, or dispensation, to kill, destroy,
"or otherwise injure any person or persons
"whatsoever, because he or they are accused
"or condemned, censured or excommuni-
"cated for error, schism or heresy.

III.

"It is not lawful in itself, or by the Pope's
"dispensation, to break either word or oath
"with any persons abovesaid, under pretence
"of their being heretics."

These propositions were, in the following year, condemned by Innocent X. and the subscribers of them censured by a particular decree. On this occasion a judicious con-

T

temporary

temporary writer thus expresses himself.
 " These (the three propositions) I am sorry, I
 " must confess, were censured at Rome, pri-
 " vately indeed and without solemnity, as
 " being perhaps either unwilling to come to
 " the light, or unable to bear it; whatever was
 " the motive, I cannot omit to make this re-
 " flection upon so unequal a proceeding to-
 " wards the prosperous French, and the af-
 " flicted English; what either of injurious or
 " untrue, do any of these three propositions
 " contain, that is not both more largely, and
 " more smartly express'd in the decrees of Sor-
 " bonne, and the rest of the universities cited
 " at the beginning of this letter? If they be
 " free, why are not we? If we be condemned,
 " why are not they?"

" At least, this Roman censure of the
 " English subscription, wants not some good
 " effect, since it has absolutely cleared the
 " chief remaining objection; which else, if
 " captiously managed, might perhaps have
 " given us some trouble to maintain our pa-
 " rallel with the French, for, till then, it had
 " been no great piece of invention, to pre-
 " tend that the Pope's prohibitive brief was
 " applyable only to the whole oath in gross,
 " and

"and so might consist well enough with the
 "disclaim of his indirect authority over
 "Kings: but now I see, 'tis not the form,
 "'tis not an inconvenient phrase or two (the
 "greatest scruple of some serious persons a-
 "mong us here) but the very substance of the
 "oath, the growing denial of the Pope's
 "power to depose princes, is the chief, if not
 "the only scandal that's offensive there."
*(Some few questions concerning the oath of alle-
 giance, proposed by a Catholic gentleman, p. 29. **

* The same author says, that these three propositions
 were subscribed by almost all the ecclesiastics, and a suf-
 ficient number of the nobility and gentry, to represent
 the body of catholics.

The Irish
Remon-
strance.

The *Irish Remonstrance*, though it does not immediately regard the English Catholics, requires some notice, because the condemnation of it declares, that it contains the errors condemned in the *oath of allegiance*, by Paul the 5th, and Urban the 8th. * Neither in this instru-

* The following is the copy of this instrument, " We
" do acknowledge and confess your Majesty to be our
" true and lawful King, supreme Lord, and rightfull So-
" veraign of this realm of Ireland, and of all other your
" Majesties dominions. And therefore we acknowledge
" and confess ourselves, to be obliged under pain of
" sin to obey your Majesty in all civil and temporal af-
" fairs, as much as any other of your Majesties subjects,
" and as the laws and rules of government in this king-
" dom do require at our hands. And that notwithstand-
" ing any power or pretension of the Pope or Sea of
" Rome, or any sentence or declaration of what kind or
" quality soever, given, or to be given, by the Pope,
" his predecessors, or successors, or by any authority
" spiritual or temporal proceeding or derived from him,
" or his sea, against your Majesty or royal authority,
" we will still acknowledge and perform to the uttermost
" of our abilities our faithful loyalty and true allegiance
" to your Majesty. And we openly disclaim and re-
" nounce all foreign power, be it either papal or prince-
" ly, spiritual or temporal, in as much as it may seem
" able, or shall pretend to free, discharge or absolve us
" from this obligation, or shall any way give us leave,
" or license, to raise tumults, bear arms, or offer any
" violence

ment, nor in the above recited propositions,
is contained the obnoxious word *heretical*.

The

“ violence to your Majesties person, royal authority, or
“ to the state or government. Being all of us ready not
“ only to discover, and make known, to your Majesty
“ and to your ministers, all the treasons made against
“ your Majesty or them, which shall come to our hear-
“ ing; but also to lose our lives in the defense of your
“ Majesties person and royal authority, and to resist with
“ our best endeavours all conspiracies and attempts a-
“ gainst your Majesty, be they framed or sent under what
“ pretence, or patronised by what foreign power or au-
“ thority soever. And further, we profess that all abso-
“ lute princes and supreme governours, of what religion
“ soever they be, are God's lieutenants on earth, and
“ that obedience is due to them according to the laws of
“ each commonwealth respectively in all civil and tem-
“ poral affairs. And therefore we do here protest against
“ all doctrine, and authority to the contrary. And we
“ do hold it impious, and against the word of God, to
“ maintain that any private subject may kill or murder
“ the anointed of God, his prince, though of a different
“ belief and religion from his. And we abhor, and de-
“ test the practice thereof as damnable and wicked.

“ These being the tenets of our religion in point of
“ loyalty and submission to your Majesties commands,
“ and our dependence of the sea of Rome, no way in-
“ trenching upon that perfect obedience, which by our
“ birth, by all laws divine and humane, we are bound
“ to pay to your Majesty our natural and lawful sove-
“ reign, we humbly beg, prostrate at your Majesties feet,
“ that

The only proposition common to them all, is the denial of the deposing power.

This remonstrance was originally framed in England, and presented by the English Catholics to Parliament a short time before the civil wars *. These disturbances prevented any proceeding, which might have been built upon it, and this probably was the cause of it's not being then noticed by the court of Rome. But when, after the Restoration in 1660, it was adopted by the Irish Catholics, and a prospect of relief given to them, by their subscribing it, the thunders of the Vatican were heard, and the condemnations of Paul, Urban and Innocent, which had fallen on the *oath of allegiance*, and the *three propositions*, were repeated by Alexander the 7th.

—“*Quod Gallis licet, Anglis non licebit?*”

Had the English often exclaimed on the condemnation of the oath of allegiance; on this

“that you would be pleased to protect us from the severe persecution we suffer merely for our profession in religion: leaving those that are, or hereafter shall be guilty of other crimes (and there have been such in all times as well by their pens as by their actions) to the punishment prescribed by the law.”

* Cressy's Exomologesis, p. 44.

occasion the Irish asked, "Quod Anglis licet,
" Hibernis non licebit?"

The words by which this instrument was censured, will exhibit the grounds of the condemnation of the *oath of allegiance*.

The Nuncio at Bruffels, when the *remembrance* was presented by the Irish, to Charles 2d, was De Vecchiis. To him was committed from the court of Rome, the superintendence of the English and Irish missions. In answer to a letter written to him on the subject, he says; "Your paternity has desired to
" hear from me what has been determined at
" Rome, concerning the declaration or protestation beginning with *your majesty's faithful subjects*, and ending with *prescribed by the law*, presented to the most serene King of
" England, and subscribed by some Irish ecclesiastics. Therefore I thought I should
" fully satisfy you, by communicating to you
" what has been written on that subject by
" command of our most holy Lord, which is,
" that after diligent consultation in several
" meetings of cardinals and divines, that
" protestation hath been found, like the
" hydra budding forth anew, to contain propositions agreeing with others heretofore
" condemned by the apostolic See, particularly

" larly by *Paul the 5th of happy memory*, by a
 " constitution in form of brief, and lately in
 " the year 1648 in a congregation held for
 " that purpose by Innocent the 10th. And
 " therefore his Holiness has thought no more
 " necessary to be done now, but that this ve-
 " ry thing should be declared: and he has
 " commanded us to testify unto all this his
 " mind, that it may appear publicly, that the
 " said protestation and subscriptions added
 " have not only not been approved by his
 " Holiness, but not even permitted, or even
 " by connivance tolerated: yea that he is
 " much grieved that by the example of eccle-
 " siastics, the secular nobles of the foresaid
 " kingdom of Ireland have been drawn into
 " the same error: whose protestation and sub-
 " scriptions he does in like manner condemn,
 " according to the above form: and this he
 " does to deliver the consciences of Catholics
 " from the deceit and error, with which they
 " are surrounded."—(Walsh, p. 16.)

In another letter of the same year 1662,
 the same Nuncio says: "Your former letters,
 " with the English papers, I have received;
 " but not answer'd, because that although I
 " did indeed foresee, yet I did not fully
 " know the mind of our most holy Lord. In
 " the

“ the meanwhile, the formulary of your pro-
 “ fession was brought to Rome, maturely
 “ there discussed, and utterly disallowed. His
 “ Holiness writes it to displease himself *most*
 “ *grievously, to be in itself intolerable*, and such
 “ as cannot in any manner be allowed. And
 “ his pleasure is, that this be insinuated (or
 “ made known) unto all. For it (the said
 “ formulary) *agrees with that profession which*
 “ *heretofore hath so much grieved, and was con-*
 “ *demned by Pope Paul the 5th, and lately again*
 “ *by Innocent the 10th.*”—(Walsh, p. 514.)

In the following year, he writes to a per-
 son, who was going to Ireland with an eccle-
 siastical commission; “ But the sum of all
 “ consists herein, that, rejecting the comments
 “ (lyes, or false device) of the new form of
 “ fidelity of the Valesians*, you labour dili-
 “ gently, by congruous admonitions, to con-
 “ tain your countrymen, especially the no-
 “ bility and gentry, in a sincere and perfect
 “ observance of the see apostolic. For that
 “ (formulary) is it which can do more harm
 “ unto, and bring more ruine upon the church
 “ of God, than all the forepast persecution of
 “ hereticks. In order to the discharging of

* From Valesius, the Latin name given to Walsh.

" that duty incumbent on you, it's needless
 " that I suggest any other thing to your pa-
 " ternity, (being a man throughly and abun-
 " dantly instructed in such matters, by your
 " own erudition and prudence) besides those
 " which I have lately, by word of mouth, in-
 " sinuated to you, signally, that the said oath
 " be refuted and reprov'd so, as, that not-
 " withstanding, the royal ministers may not
 " thence take occasion of severity against
 " Catholicks, or of persecuting them as people
 " studiously and maliciously undermining the
 " royal dominion, on account of its having
 " fallen from the church."—(P. 515.)

Here we not only see the true ground of
 this and of the censures of Paul and Innocent,
 to be the denial of the deposing power, (the
 only point contained in all the condemned
 instruments,) but a hint is given of the means
 employed to prevent the signature of this in-
 strument. It was not to be condemned open-
 ly, as containing any explicit disavowal of
 the deposing power, because that would give
 too much offence to government, but the
 subscribers were branded as heretics, and
 schismatics, disobedient to the Pope; their
 faculties were taken from them, and their per-
 sons excommunicated.

It

It is to be remarked, that a prospect was held out to the Catholics of Ireland, that, by signing the remonstrance, they might obtain the free exercise of their religion, and that the instrument is now acknowledged by Catholics to be perfectly free from objection. The sentiments of the papal court are however again expressed in a letter of Cardinal Barberini to the nobility of Ireland, 1662. "No-
 " ble Sirs! If ever at any time he, who most
 " intirely loves you, the most holy Father of
 " all the faithful, hath grieved for the afflict-
 " ed condition of your affairs, now is the
 " time, that most of all he is grieved, where-
 " in he sees you are not only to fear from
 " those abroad, but even be on your guard
 " from your very domesticks, nay from your
 " very brethren. For the evil is approach-
 " ing not from the north only, but even thence
 " a burning wind blows, whence the gentle
 " breathings of the Holy Ghost should have
 " come. They are made masters of error,
 " who give themselves for disciples of truth,
 " and to shew their fidelity to the king, they
 " destroy faith. In which procedure of theirs
 " that is chiefly to be admired, that they pub-
 " lished a protestation in such terms, where-
 " by they may be said to have only violated

" the catholic faith, and gained nothing on
 " earth, which they might not have obtained,
 " that very faith remaining intire. For who
 " dares deny that by the catholic faith, due
 " obedience unto princes is cherished, where-
 " as by evangelical precept every man is
 " bound to yield to Cæsar what is Cæsar's,
 " and to God what is God's? When there-
 " fore they study to render themselves faith-
 " ful to the king, they prevail herein least of
 " all when they speak nothing agreeable to
 " that faith they profess. But what excuse
 " can they pretend, who, when, to testify their
 " allegiance to the prince, they have sub-
 " scribed their names to *some propositions con-*
 " *demned heretofore by the apostolic See,* can-
 " not alledge for themselves either a good
 " conscience, or inculpable ignorance in do-
 " ing so? What shame is it to the ecclesiastical
 " order, to behold them the leaders into
 " error, by whom others should have been
 " instructed. Verily it has vexed the soul of
 " the most holy Pontiff to consider the unfa-
 " voury salt to have poured forth unfavouri-
 " ness, and those who should have enlighten-
 " ed others, to have brought darkness on
 " them. Wherefore such as have kept them-
 " selves free from subscriptions, or from this
 " kind

" kind of infectious disease, let them by all
 " means beware they be not drawn into the
 " pit by their blind leaders: and let them up-
 " hold the doctrine that is sound."—Walsh,
 p. 17:

After the dispute had subsisted for some time among the Irish, concerning this remonstrance, a meeting was procured, by leave of government, of the surviving catholic bishops, and the most dignified of the clergy, to consider of the lawfulness of it, and of the propriety of signing it *. The rumour of this assembly

* The author of the *Divine Right of Episcopacy* asserts, p. 105, that the instrument signed at this meeting, in opposition to the former, "is as clear a renunciation of the deposing power as words can express." Now the truth is, that this *anti-remonstrance* does not deny the right of the Pope to depose kings, nor does it renounce the doctrine, that kings, *deprived by the Pope*, may be deposed or murdered by their subjects, or any other person. Let any one peruse the two instruments, and he will find that in these two points consists the difference between them. To say, that the bishops and clergy refused to sign the remonstrance, not from an unwillingness to disavow the dangerous errors contained in it, but because they thought it more proper to present one of their own framing, when the former was demanded of them by the civil government, is insulting his readers, and paying no compliment to the loyalty of the clergy he commends.—

There

sembly caused great alarm at Rome. It was feared that it would be found easy to remove, in a conference, all the difficulties, which had been so strongly and industriously suggested, or that it would be necessary openly to avow the doctrine of the deposing power. Accordingly we find that letters were written from the agents of the court of Rome to every bishop, who was called to the meeting, warning him against this snare of the enemy, as they termed the *remonstrance*. The following letter of Cardinal Barberini, written in 1666, will explain the sentiments of the papal court on this occasion. It is written to the clergy and catholics of Ireland. "Four years now

There is not more truth in his assertion, that "Ormond
"banished as many of the anti-remonstrant clergy as fell
"into his hands,"—His character of Walsh does as little honor to his candor and charity, as the representation he gives of this transaction, does to his historical accuracy.

I cannot forbear remarking the tergiversation of the *papist* writers in giving the characters of catholics. When, in writing to protestants, they think it necessary to shew that we are not bound by papal mandates, the example of Fra. Paolo and Walsh are adduced: but when a *protesting catholic* avails himself of either of those writers, the *papist* immediately calls the one a *Calvinist* and the other an *irreligious friar*.

"are

" are almost past, since our most holy Lord,
 " out of his love to you, has by my letters
 " admonished you of dangers to your salva-
 " tion, which are impending from false bre-
 " thren. And when he mightily desired to
 " hear news of the snare broken, and you
 " delivered, behold the sad tidings come of
 " your having agreed amongst yourselves
 " that a congregation shall be held, at Dub-
 " lin, on the third of the Ides of June, for
 " deliberating on the point of subscribing
 " that protestation, which, making shew of the
 " title of fidelity, *asserts things contrary to the*
 " *catholic faith*. Wherefore his Holiness hath
 " commanded, that by me, you be seriously
 " admonished, not to confound civil fidelity
 " with the obedience due to the apostolic
 " See, nor suffer it to enter into your souls,
 " that he cannot be truly obedient to the
 " king, who does this duty to the Roman
 " Pontiff: whereas indeed nothing can more
 " conduce to establish the authority of kings,
 " than in their subjects a faithful obsequious-
 " ness to the pontifical authority. And in-
 " deed what law doth so favour the monar-
 " chical government as the catholic? What
 " does so strictly command subjection as that
 " which openly enjoins all to obey their su-
 " periors?

" perious? Be therefore constan in this
 " law, not let the traps of the enemy of hu-
 " man kind deceive you: to which enemy,
 " as to whom the manifold arts of harming
 " are present, that of giving the foresaid pro-
 " testation of fidelity in more pleasing words
 " was not wanting; which yet are no way
 " able or fit to remove the mischief. But to
 " those, who, having past the bounds of mo-
 " desty, after so many vain endeavours, per-
 " adventure glory to have had this last suc-
 " ceis of the designed assembly, his Holiness
 " does threaten sore, divine revenge, if they
 " (turning from wicked thoughts) do not ab-
 " stain from such enterprizes. In the mean
 " while I, in the name of the whole congre-
 " gation set over your affairs, do exhort you,
 " that the opinion of your fortitude and faith,
 " and the concern of your salvation be above
 " all things taken by you to heart, and that
 " you pay a grateful return of good offices to
 " the Roman church, which has begot you in
 " Christ. The rest is, that you all hold for
 " certain, you are singularly beloved by our
 " most holy Lord, who by prayers all set on
 " fire with duty and charity, most earnestly
 " begs of the most high God, that you may
 " from those unhappy thickets of briers and
 " wild

" wild forests of danger brought to the pastures of the Lord." The above quotations are all taken from original documents, contained in Walshe's *History of the Irish Remonstrance*.

That the sentiments of the Papal Court have to the present day uniformly continued the same, will appear from a letter written by Ghillini, Nuncio at Bruffels in 1768. An oath had been then proposed to the Irish Catholics, on the taking of which, a prospect was held out of the repeal of the penal laws. In this oath was contained the following clause: " I do also swear, that I abhor, detest and abjure, from the bottom of my heart, that pernicious and abominable doctrine, that no faith or promise is to be kept with heretics, or princes excommunicated; or that princes deprived by the Pope may be deposed or murdered by their subjects, or by any other person whatsoever."—The Nuncio was alarmed at this fresh attempt to renounce the papal power of deposition. Accordingly he wrote a circular letter to the four titular Archbishops of Ireland, in which he says: " This new oath is reprehensible upon many accounts, and unworthy of Catholic prelates; but it is absolutely intolerable, if we consider the

X

" decla-

“ declaration thereunto annexed, namely that
 “ of abominating and detesting from the heart
 “ the doctrine, which is there declared *abomi-*
 “ *nable and pernicious.*”

“ To your erudition it must be known,
 “ that this doctrine, which is asserted to be
 “ *detestable* in the oath, is defended and main-
 “ tained by most Catholic writers, and has been
 “ often followed in practice by the Apostolic
 “ See. It cannot therefore on any account
 “ be declared *detestable*, without incurring,
 “ by such declaration, the imputation of a
 “ proposition rash, false, scandalous and in-
 “ jurious to the holy See.”—He concludes
 by saying; “ In consequence of this, your
 “ Lordship should encourage all persons to
 “ continue their submission to the penal laws
 “ now in force, which with such laudable
 “ constancy they have hitherto borne; rather
 “ than from the motive of emancipating
 “ themselves from these laws, to have re-
 “ course to means so unlawful and sinful,
 “ and attended with such loss to their own
 “ souls, and to religion itself, which will by
 “ imperceptible degrees be so weakened, that
 “ it will at length perish in the heart of those
 “ Catholics, if, following the example of their
 “ own pastors, they shall lend so indulgent an
 “ ear

“ ear to flesh and blood, and hearken rather
 “ to the fallacious suggestions of enemies to
 “ our holy Catholic religion, than to the ge-
 “ nuine and salutary doctrine of their true fa-
 “ ther, and supreme pastor.”

I have now, I think, sufficiently traced the doctrine of the Court of Rome, which its emissaries have till lately endeavoured to inculcate into the minds of English and Irish Catholics; and have shewn that the opposition made to the *oath of allegiance*, and to the other *protests* and *declarations* which have at different times been made, has uniformly been to the explicit denial of the *deposing power*, which they all contained. I will now trace the sentiments of the writers of the *papist* party, who constantly wrote against, and opposed the *oath of allegiance*, from its being first enacted, till the abolition of it after the Revolution.

It is necessary first to observe, that the principal cause, which prevented the Catholic clergy from taking the *oath of allegiance*, and subscribing the other formularies above mentioned, arose from the nature of our ecclesiastical government. This, instead of being settled on fixed principles, and conducted by certain regulations, is totally in the power of

the Court of Rome, which names the ecclesiastical superiors, who govern the clergy, and prescribes the forms by which they are to be governed. From this Court do ecclesiastical superiors derive the power of administering the sacraments to the faithful, and by them is this power dealt out to each individual clergyman. It requires little consideration to perceive the amazing influence, which this power must give, in a religion, which, like ours, requires the intervention of a priest in almost all our religious duties. If a priest takes an oath, or subscribes a declaration, disapproved of by the Court of Rome, his faculties are taken from him, he becomes incapable of performing his functions, he is deprived of the salary which maintained him, and he is reduced to poverty and want. Such are the means, which have occasionally been used in this free country to deter the Catholic Clergy from giving security to their King of their allegiance, and to their country, of the integrity of their principles. In the reign of James I. several were deprived of their faculties for taking the *oath of allegiance*. They even surrendered themselves into the hands of justice, to obtain from the government a scanty maintenance, which was refused to them by men,

to whose religion they were an honor. Such was the fate of Preston, Green, and many others*. This engine of despotism is still in the same hands, and may on a favorable

* In the Appendix to my second letter, I said, on the authority of Dod, that Preston had submitted and retracted his writings. In this I was mistaken; this excellent man lived to a respectable old age, and persevered in his loyal and orthodox sentiments. A late writer has fondly supposed, that a letter of Dr. Kellison, written in 1614, had induced him to condemn his writings, when, if he had perused the list of his works in Dod, he would have found that he continued writing in defence of his original sentiments, as late as 1622.—He also says that he was induced to surrender himself prisoner for no other reason, than to enjoy a comfortable and unrestrained situation. In proof of this he quotes Foulis, who says on the contrary, that he secured himself in the Clink prison, to avoid the plots laid by his enemies to seize him and convey him abroad. p. 532.—He probably dreaded the fate of Barnes, who was enticed abroad, there seized, and conveyed by force to Rome, where he was imprisoned in the Inquisition, till the confinement and ill usage deprived him of his senses.—It was the invariable conduct of the *papist* party to deprive those priests, who took the oath of allegiance, of a maintenance, and when they received one from the government, they calumniated them, as quitting their religion, for receiving that from an enemy, which was denied them by their own party.—This calumny, the writer above quoted has not scrupled to repeat. *Divine Right of Episcopacy*, p. 92.

occasion

occasion be used in the same manner. We have indeed a recent example of it in the deprivation of Mr. Wilks, because, in a letter, *he asserted principles which were disapproved of by an Apostolic Vicar.* As long as this ecclesiastical government continues, neither the principles, nor allegiance of the Catholic clergy are secure.

English writers
who opposed
the oath of al-
legiance.

I will now examine the sentiments of those writers who opposed the oath of James.—

The noted Parsons in 1608 published, *The Judgement of a Catholicke English-man, &c. concerning a late book set forth, and entituled An Apologie for the Oath of Allegiance.* P. 19. No. 22. He says—“ And how then shall we
“ cleare this important matter, *Whether there*
“ *be any points in this oath belonging to religion,*
“ *befides cyvill obedience?* Very easily: by
“ foure severall and distinct wayes. The first
“ whereof shall be taken from the playne
“ expresse wordes, sense, and drift of the
“ oath itselſe: that besydes the acknow-
“ ledgement of our Sovereigne *to be true King,*
“ *and rightfull Lord over all his dominions,* and
“ that, *I will be a true loyall subject unto him,*
“ and other such like clauses, wherat no man
“ sticketh or maketh difficulty; the said
“ oath

" oath conteyneth further, that, *I must sweare*
 " *in like manner some poyntes concerning the*
 " *limitation of the Pope's authority, to wit, what*
 " *he cannot do towards his Majestie or his suc-*
 " *cessours in any case whatsoever.* Which ques-
 " tion being brought from the particular hy-
 " pothesis, to the general thesis, concerning
 " all Kings (for the like reason is also in o-
 " thers) both in the one and the other; it
 " toucheth a poynt of doctrine and Catho-
 " licke beliefe, concerning the sufficiency of
 " pastorall authority, left by our Saviour in
 " his church unto St. Peter and his succes-
 " sours, for redressing of all inconveniences
 " that may fall out, which I (being a Catho-
 " licke) cannot in my conscience forswear,
 " without perill of everlasting damnation."

In 1611, was published, *A brieffe and cleare*
declaration of sundry pointes absolutely disliked
in the lately enacted oath of allegiance, by H. I.
permissu superiorum. This writer, who con-
 ceals his name, gives an account of a latin
 work lately published, which states, as he says,
 the Catholic doctrine, on the disputed points
 in the oath of allegiance. P. 13. "He shew-
 " eth in the beginning of his first section the
 " doctrine of the Protestants to be, that the
 " Bishop of Rome has no authority at all
 " over

" over princes, and that he cannot in any
 " case dispose of their dominions or tempo-
 " rall jurisdictions: and that Doctor Barkley
 " is almost of the same opinion in a booke
 " lately published in his name, in which he
 " teacheth; first, that the Bishop of *Rome* is
 " the *Vicar of Christ*, the *Successor of St. Peter*,
 " and the *Pastor of the whole Church*: and
 " that he hath most full and ample power in
 " spirituall matters. In which also princes
 " are subject unto him, as sheep to their pas-
 " tour. Secondly, that he hath no authority
 " at all, neither direct nor indirect to dispose
 " of the temporall rights or goods of lay men,
 " much less of princes: so as for no cause
 " whatsoever can he deprive them of their
 " temporall dominions or jurisdictions. And
 " lastly, He affirmeth that the Popes, and all
 " other ecclesiastical persons have bene sub-
 " ject in all ages to secular princes, and in
 " secular matters judged and punished by
 " them.

" This sentence so explicated, this Ca-
 " tholike Doctour setteth down the common
 " opinion of Catholikes, which is, that the
 " authority of the Pope extendeth also unto
 " temporall matters, at least indirectly, and
 " so farre forth, as is needfull for the due
 " admi-

“ administration and conservation of the spiri-
 “ ritual good of Christ’s church : so as when
 “ the greatnesse of the matter shall so require,
 “ he may punish lay people, and princes also
 “ in temporall matters, depriving them of
 “ their dominions, rights and jurisdic-
 “ tions.”

P. 24.—“ The 12th (objection to the de-
 “ posing power) is, that the band of an oath
 “ cannot be dissolved, which the author
 “ sheweth to be most false, and contrary to
 “ scriptures, counsell, decrees of Popes, the
 “ common opinion of doctours, and the prac-
 “ tice of the universall Church of Christ. In
 “ the answer to the 13th objection, is de-
 “ clared the duty and obedience, which sub-
 “ jects owe to their prince. In the 14th is
 “ largely refelled the imagination of those
 “ who affirme, that, for that princes were be-
 “ fore baptisme exempted from the obedi-
 “ ence to the Pope, therefore being Chris-
 “ tians they should also continue in the same
 “ liberty.”

P. 26. “ In this last part of his worke he
 “ handleth in what degree of certaintie this
 “ Catholike doctrine of the Pope’s authority
 “ in temporall matters ought to be esteemed;
 “ and especially how certayne it is, that the

" Pope hath authority to punish a Christian
 " prince for some cause, and to absolve his
 " subjects from their oath of allegiance, and
 " from that obedience which otherwise in
 " duty they should owe unto him. And
 " lastly he declareth his judgement and opi-
 " nion of the oath, which in England is pro-
 " pounded to Catholike subjects.

" And as touching the first point, about
 " the certainty of this doctrine, he produceth
 " Mr Blackwell, who in the 46th page of his
 " book insinuateth, that it is only a theolo-
 " gicall opinion of no certaintie; and that
 " the contrary thereof may without perill be
 " mantayned. His reasons shall be set downe
 " hereafter: and of the same judgement must
 " they all of necessitie be, that hold the tak-
 " ing of the oath to be lawfull. But against
 " this opinion of Mr. Blackwell, this writer
 " bringeth many strong and forcible reasons,
 " to shew that this doctrine is not ambiguous
 " and doubtfull, nor such as the contrarie
 " therof may with probability be mantayned:
 " but so certaine, as without prejudice of faith
 " it cannot be denied."

P. 29. " He also further sheweth, that it
 " belongeth to a matter of faith in the judge-
 " ment of all Catholikes, to believe, that the
 " Church

" Church cannot erre in doctrine, or precepts
 " of manners: teaching any thing to be law-
 " full that is not, or any thing unlawfull, that
 " may lawfully be done, or commaunding any
 " thing, that is in itselfe wicked and unjust,
 " as Canus, lib. 5. c. 5. p. 333. Barnes, p. 2.
 " q. 1. p. 3. col. 110. and others do teach.
 " For that such a kind of error should be
 " no lesse pernicious than an error in mat-
 " ter of faith: but if the Pope have not this
 " authority in temporall thinges, the Church
 " should erre in doctrine of manners, and in
 " matters of great weight and consequence.
 " For she teacheth that a Prince being depo-
 " sed by the sentence of the Pope, his sub-
 " jects are absolved from the band of their
 " obedience, and his territoryes may be in-
 " vaded and possessed by others."

" And againe, that a prince being excom-
 " municated by the Pope, his subjectes are
 " absolved from their oath of fidelity; so as
 " they are not bound to obey him, in case the
 " censure be denounced."

P. 32. " So as with approbation and prac-
 " tice of the whole Christian world, have the
 " Catholikes of England chosen rather to lose
 " their goods, liberty and life, than to deny
 " this authority in the Church, so grounded

“ in scriptures, delivered by councells, taught
 “ by universal consent of Catholike doctours,
 “ and defined by his Holines that now liveth, Paul
 “ the 5th, in his *Breve to the Catholikes of Eng-*
 “ *land.*”

P. 51.—“ And now according to the ex-
 “ presse words and according to their plaine
 “ and common sense, the oath is of the thing
 “ itself: that is, that our Liege Lord King
 “ James is the supreme, lawful, and true king
 “ of this kingdom, and all other his Majestie’s
 “ lands and dominions. It is one thing to
 “ say that any one is the true king: and ano-
 “ ther thing to say, that he is taken and re-
 “ ceaved for such. And to sweare the first is
 “ dangerous, for that many things may be hid-
 “ den in these cases, which we cannot know:
 “ and the Church of Christ hath authority
 “ according to the doctrine of Catholiks) to
 “ make an heretical prince incapable of the
 “ crowne. But the second may more easily
 “ be sworne: for every one knoweth his owne
 “ mynd, and many things may be taken for
 “ that, which indeed they are not. For the
 “ common estimation of men is of great weight
 “ in these matters.
 “ Fourthly, In the forme of this oath, is
 “ conteyned not only the danger of perjury,
 “ but

" but playne and absolute perjury it selfe ;
 " which is to affirme that with an oath which
 " is false : for heere is expressely affirmed that
 " which at least in the judgment of all catho-
 " likes is a manifest untruth. *That the Pope*
 " *hath no authority to depose a prince, nor to dis-*
 " *pose of his dominions, nor to give leave to any*
 " *other to invade his countrey, nor to absolve his*
 " *subjects from their obedience :* all which is in
 " this booke demonstrated to be false, and
 " contrary to the doctrine of the catholike
 " church : and therefore in the judgment of
 " catholikes it is manifest perjury "

In 1613 was published (permissu superio-
 rum) a *Supplement to the Discussion of M. D.*
Barlowes Answer, &c. by F. T. (that is Tho-
 mas Fitzherbert *), from which I have made
 the following extracts.

P. 6.

* Thomas Fitzherbert was born in 1552. After re-
 turning abroad in 1582, he connected himself with the
 Duke of Feria, by whom he was recommended to the
 court of Spain, where the king bestowed on him a pen-
 sion which he preserved during his life. Sometime after
 the death of his wife, he went to Rome, and entered into
 the ecclesiastical state ; after which he was made agent
 of the English clergy at that court. Like Parsons, he was
 a creature of the Spanish faction, and they both jointly
 pursued the same views : his situation, as agent for the
 clergy,

P. 6. "And for that his malignant humour (viz. Barlow's) induceth him either to
 "thinke, or at least to pretend, that in impugning this oath, wee impugne every article, or clause thereof (for so you see he
 "bath no lesse maliciously than foolishly and absurdly affirmed), therefore I thinke good
 "to let him understand heere, that my meaning is not to contradict any article thereof
 "that concerneth merely civill obedience to our soveraigne; but such clauses only as
 "do either directly, or indirectly prejudice the authority of our spiritual supreme Pastour, and namely those, which do exempt
 "temporall princes from excommunication and deposition by the Pope, when just occasion shall be given by them, and the necessity of the church, and the good of soules
 "require it; to which purpose I will prove
 "that this new oath, in respect of such

clergy, gave Parsons an opportunity, by his means, of obtaining an entire ascendancy over their affairs. His connections with him at length gave umbrage to his employers, who removed him from his agency, when he entered into the society of Jesuits. He died in 1640.—

He was a man of considerable learning, but inferior in abilities to Parsons, who used him as an instrument to carry on his sinister views, and crooked politics,

" clauses,

“ clauses, is repugnant to all laws humaine,
 “ and divine, and therefore justly condemned
 “ by his Holines, and refused by catholikes.”

Ibid. p. 39. “ Therefore upon all this, I
 “ inferre, that christian princes being sheep
 “ of Christe’s flocke, and consequently to be
 “ fed, and governed by the supreme Pastour
 “ of the church, may also be chastised by him
 “ in their temporall states, when the same
 “ shall be necessary, for the glory and service
 “ of God, the benefit of soules, and the good
 “ of the whole church, whereto all christian
 “ kingdomes, and empires, are subordinate
 “ and subject, as I have proved before out
 “ of the holy scriptures, and will prove also
 “ after a while, by the very law of nature,
 “ and light of reason. And in the mean time
 “ I conclude upon the premisses, concerning
 “ the oath of allegiance, that seeing the same
 “ is repugnant to this authority of the su-
 “ preme Pastour, grounded upon expresse
 “ scriptures, both of the Old and New Tes-
 “ tament, Mr. Barlow was much overseene,
 “ when he so bouldly avowed, that *the law of*
 “ *God doth justifie and injoine it*: wheras you
 “ see the law of God doth by an evident con-
 “ sequent condemne it, ordayning the autho-
 “ rity.

" rity of Christes vicar, which the said oath
 " impugneth."

Ibid. p. 42. "Whereupon I conclude
 " that seeing this oath now in question, is de-
 " rogatory from the power and jurisdiction
 " of the Head of the Church, to whom all
 " christian princes are subject, (even by the
 " very law of nature:) it is no lesse unlaw-
 " full, unjust, and repugnant to nature, then
 " if a husband should exact the like oath of
 " his wife, or a maister of his servant, or the
 " father of his children (I meane an oath
 " which should derogate from the power
 " and authority of their temporall prince :)
 " as for example; if a head of a family would
 " bynd his wife, and children, by oath to de-
 " fend him from the correction of his lawfull
 " prince, when occasion should require, I
 " thinke no man will be so absurd to say,
 " that it is a lawfull oath, and correspondent
 " to nature, though the same should be co-
 " loured, and shaddowed never so much, with
 " pretence of *oeconomicall*, and filial discipline,
 " or duty. And no more can that other oath
 " be lawful, and agreeable to nature, though
 " it be never so much coloured with respect
 " of temporal allegiance.

" For

" For as no reason of *oeconomy*, or of filiall
 " and conjugall duty houldeth, when it is
 " encountred with the respect of the weale
 " publicke, or of due obedience to a lawfull
 " soveraigne: so neither can any reason of
 " commonwealth or allegiance to temporall
 " princes, overweigh, when the same is bal-
 " lanced with the publike good of the church
 " of Christ, wherto all temporall princes do
 " owe more respect, duty and subjection
 " (even by the law of nature) than their vas-
 " sals and subjects owe to them."

In 1616, the speech made by Cardinal du
 Peron to the States-General of France, on
 the deposing power, was translated into Eng-
 lish, and published here, *permissu superiorum*.
 A preface was prefixed by the translator, in
 which he says, speaking of the *oath of alle-
 giance*: " The oration itself doth follow at
 " the end of this preface, and therefore I en-
 " ter not upon the particulars thereof; only
 " the reader, when he hath perused it, may be
 " pleased to remember two things in general
 " contained therein. One, that the oath is
 " such, as that they of the French clergie and
 " nobilitie will rather die than take it; the
 " other that there was never any French
 " writer, since the faculty of divinity hath

" been taught in the schools of France (not
 " excepting even such as were the most ear-
 " nest upholders of regal authority, and were
 " required by the kings of their times, to de-
 " fend the same by publick authority) *who*
 " *affirmeth kings to be indeposable by Popes in all*
 " *cases.* And whensoever any of them have
 " debated the point of the *absolution*, which
 " subjects may have *from the oath of allegiance*
 " *to their prince, the cases of the prince's heresy*
 " *and apostacy are always excepted; that is to*
 " *say, in such cases, the subjects of a king,*
 " according to the judgement of all catholike
 " French writers, *may be absolved from the oath*
 " *of their allegiance.*

" I tie not myself to the wordes, but the
 " substance of these two propositions is clear-
 " ly delivered by the Cardinal, in the name
 " of the clergie of France; which so long as
 " the reader shall keep in mind, it will make
 " him (if he be a discreet protestant,) dis-
 " cern with ease, how falsely his ministers
 " have laid certain seditious opinions to the
 " charge of us English catholikes, and such
 " (say they) as are not believed by the catho-
 " like countries joyning to us. If he chauce
 " to be a precisian, he will have reason to
 " take compassion of us catholikes, whom he
 " finds

" finds to agree in this with himselfe, and all
 " the Calvinists in the world, that kings may
 " for some hideous crymes deserve to fall
 " from their royalty: though there be this
 " difference betweene us, *that we hold the com-*
 " *mon father of all true Christians, to be the fit-*
 " *test judge of such high quarrels as fall out be-*
 " *tween his children* (wherein also he is direct-
 " ed by the canons and inviolable customes
 " of the church, in what sort, and by what
 " degrees he must proceed,) but they hold
 " that kings are subject to a kind of popular
 " judgment, which is so much the likelier to
 " be corrupt, as it is usual for the people,
 " whom they make the judge, to be a party."

In the reign of Charles the 2d, three treatises, against the *oath of allegiance*, were written and circulated amongst the English catholics by the Jesuits. Stillingsfleet published these treatises in 1677, under the title of *Jesuit's Loyalty*, with a preface, probably with a view to impress the public with the idea, that catholics maintained the deposing power. Whatever were the motives of Stillingsfleet, certain it is, that the three treatises were acknowledged by the Jesuits, and the sentiments therein contained were avowed by

Z 2 them.

them*.——To the first of these treatises is prefixed the conclusion to be proved —“ It is
 “ not lawful to take any oath or protestation,
 “ renouncing the Pope’s power, in any case
 “ whatsoever to depose a christian prince, or
 “ absolve his subjects from their allegiance.”
 —To prove this, the authors reason thus:
 “ That opinion, which must suppose, that the
 “ church hath at some time been in a damna-
 “ ble error of belief, and sin of practice, is
 “ erroneous in faith, temerarious and impious.
 “ —But this opinion is such—Ergo—The
 “ major, I suppose will not be denied by any
 “ catholic, because that were to suppose, that
 “ the church hath at some time ceased to be
 “ a catholic holy church ; which were heresy
 “ to suppose possible.—The minor is proved.
 “ —If the church at some time hath believed,
 “ and supposed as certain, that the Pope hath

* The Jesuits, in the same reign, put forth a catechism to teach *their pious and unlettered brethren*, the unlawfulness of the oath of allegiance, and dared even to issue a decree against it, in which they ordered absolution to be refused to those who took the oath, or taught it to be lawful.—The reader will probably smile, when he is told, that the first reason given in this catechism, is, *that the oath is derogatory to his majesty*.—The decree is dated at Ghent, July 5th, 1681.

“ such

" such a power in some case, and upon that
 " belief and supposal, hath exercised it in her
 " supremest tribunals; and if her error, (sup-
 " posing she erred in it,) was a damnable er-
 " ror, and her practice, (if unlawful,) a mor-
 " tal sin; then this opinion must suppose,
 " that the church hath, at some time, been in
 " a damnable error of belief and sin of prac-
 " tice.—But the church hath, at some time,
 " so believed and practised, and (if amiss) it
 " was a damnable error and practice.—
 " Ergo*—

" The sequel of the major is evident in
 " terminis.—The second part of the minor
 " is likewise evident: because it was a doc-
 " trine enormously injurious to the right of
 " princes, (to withstand which is a damnable
 " sin: Rom. 13.) and cause of much deadly
 " feud betwixt the church and secular states,
 " of many bloody wars of princes one against
 " another, and wicked rebellions of subjects
 " against their princes."

* Here we see these honest fathers allow that if the
 deposing doctrine be false, and may be renounced, that
 it is a *damnable error*, which I believe is tantamount to
 calling it *heretical*: but I will mention this objection
 hereafter.

In

In proof of the first part of the minor, the authors shew :

" 1. That Popes have taught it as sound
" doctrine, proving it from scripture and tra-
" dition ; and condemned the contrary, as
" erroneous in faith, pernicious to salvation,
" wicked folly and madness, and inflicted
" censures on them that held it."

" 2. That Popes have, in the highest tri-
" bunals of the church deposed sovereign
" princes."

" 3. That Popes, and general councils by
" them confirmed, have denounced excom-
" munication to such as should obey their
" princes, after such sentence of deposition,
" and absolution of their subjects from their
" allegiance."

" 4. That a general council, confirmed by
" the Pope, hath made a canon law, regulat-
" ing the manner of deposing princes, in some
" case, and absolving their subjects from their
" allegiance."

P. 11.—" In anno 1606 Pope Paul 5th, by
" a breve written to the English Catholicks,
" declared and taught them, as pastor of their
" souls, that the oath of allegiance, establish-
" ed by Parliament 3 Jac. *Salva fide catho-*
" *lica, et salute animarum suarum præstari non*
" *potes*

" *potest, cum multa contineat quæ fidei ac salutis*
 " *apertè adversantur.* Now there are not in it
 " *multa,* to which this censure is possibly
 " applicable, unless this be one, *That the*
 " *Pope hath no power to depose the king, or ab-*
 " *solve his subjects from their oath of allegiance.*
 " Therefore this proposition was condemned
 " by that Pope, as *contra fidem et salutem ani-*
 " *mæ.*"

The authors then relate the censure on
 the subscribers to the three negative propo-
 sitions in 1648; and the censure of the Irish
 remonstrance, which, they shew, are only ap-
 plicable to the denial of the deposing power,
 the only proposition common to them all.

The conclusion of the first treatise is in
 these words. " This having been for some
 " ages, (one at least) the common belief,
 " sense, and doctrine of the church, accord-
 " ing to which she hath frequently and avow-
 " edly practised and proceeded in her highest
 " courts, and inflicted her highest censures
 " upon the opponents of it: if it be an error,
 " the church was at that time a wicked and
 " blind church, a synagogue of Satan; the
 " pillar and ground of truth, and with it the
 " whole fabric of faith and religion, shook
 " and

" and tottered. If it were no error, they
 " that now call it an error, are wicked ca-
 " tholics, and in damnable error. Nor
 " though all the doctors of Sorbon, all the
 " parliaments and universities of France, all
 " the *fryars* or *Blackloists* in England or Ire-
 " land, all the libertines, politicians and
 " atheists in the world should declare for it,
 " could it ever be an authority to make it a
 " probable opinion."

I have now, I think, shewn what were the
 principles inculcated by the court of Rome,
 and on what grounds the *papist* party reject-
 ed and opposed the *oath of allegiance*. Of the
 latter more evidence might be adduced if ne-
 cessary.—As our ecclesiastical government,
 from the publication of the bull of Pius, was
 in the hands of the Roman court, care was
 in general taken to place those at the head of
 it, who would best support the ultramontane
 principles. If, as in the case of Blackwell,
 any person renounced these principles, he was
 immediately removed from his station,
 which was filled by a successor more
 subservient. Hence it unfortunately arose,
 that all those catholics, who were zealous to
 preserve the integrity of their principles, and
 their

their loyalty to their sovereign were always under the necessity of acting in opposition to their ecclesiastical superiors, and to the Pope, whom they however uniformly acknowledged to be the first bishop of their church.—Such must always be the effect of introducing, under the mask of religion, principles which have a tendency to disturb society.

Notwithstanding the great influence given to these pernicious principles, by the repeated mandates I have before mentioned, the protesting catholics, who uniformly opposed them, were numerous and respectable. Amongst these may be mentioned, the two Barclays, Preston who wrote under the name of Widdrington, Green, and many authors of excellent treatises, whose names not being prefixed to their works, it is not easy to discover; but whose writings are a lasting monument of their loyalty to their sovereign, and of the integrity of their civil and social principles. In perusing these writings, the reader will find ample testimony, that the distinction between them and the *papist* party, consisted entirely in the latter upholding all the pretensions of the Roman court, and in the resistance which the former invariably made to those pretensions. The objection

suggested about the word *heretical* in the oath of allegiance, was only a cloak to the real sentiments of it's opponents, and served to deter those from taking it, who did not sufficiently consider the words of it. This the author of the *Answer to the Jesuit's Loyalty* clearly proves; shewing that it can be no real objection, except to those who admit the deposing power*.

In the answer to the second treatise, this catholic writer says, p. 16. "The words are
 " these: *And I do furthermore swear that, I*
 " *from my heart, abhor, detest and abjure, as*
 " *impious and heretical, this damnable doctrine*
 " *and position, that princes, which be excommu-*
 " *nicated or deprived by the Pope, may be depos-*
 " *ed or murdered by their subjects, or any other*

* The author of *Divine Right of Episcopacy* says, p. 92. that "Preston in his *Apologia*, &c. avoids the main
 " difficulty, and engages on the sole subject of the de-
 " posing power."——Bellarmine maintained the right of the Pope to depose princes; this Preston denied. But, if the oath was reprehensible, merely on account of the word *heretical*, as this author pretends, and not because it denied the deposing power, how came the *Apologia* to be condemned, which only denied the latter, and did not enter on the *main difficulty*? The truth is, Preston avoided no difficulty, but met his antagonists on whatever ground they chose to take, and ably refuted them.

" what-

" *whatsoever.* All speech denying or affirm-
 " ing something of something, the way to
 " understand it, is to mind what it is which is
 " denied or affirmed, which the school lan-
 " guage calls the *prædicate*, and that of which
 " this *prædicate* is affirmed or denied, which
 " they term the *subject*. Of the proposition
 " now, which I here swear that I abhor,
 " what is the subject? Is it not manifestly,
 " *Princes excommunicated or deprived by the*
 " *Pope?* And the *prædicate*, is it not plainly
 " this? *Deposed or murdered by their subjects*
 " *or others.*

" That princes then can be excommuni-
 " cated or deprived is not here denied or
 " affirmed; for they are already so, of whom
 " the proposition speaks; excommunication
 " and deprivation making up a part of the
 " *subject*, of which something else is *prædicat-*
 " *ed.* But what is abhorred is, that such
 " princes can be deposed or murdered by
 " their subjects or others: this being the
 " thing which is affirmed of those excommu-
 " nicated and deprived princes.

" Plainly therefore it is not, as this gen-
 " tleman supposes, the deposing power, as it
 " is lodged in the Pope, which is here de-
 " nied; but the execution of that power by
 " subjects

" subjects or others. It is not Pope-de-
 " posing, but subject-deposing power, which
 " is now in question; or if you will, not the
 " power, but the practice. And the ques-
 " tion is, whether this subject-deposing power
 " may be abhorred as impious and hereti-
 " cal? Now I, for my part, conceive it
 " may and ought, and think this so manifest,
 " that I would take Bellarmin himself, or this
 " gentleman for judge, who yet say the direct
 " contrary, if the case were not too clear to
 " need one.

" For does not Bellarmin say, and whe-
 " ther he do or no, do we not all know, that
 " *we are obliged by the law of God to obey our*
 " king, and that *to deny obedience to our prince*
 " *is against the law of God?* He adds, in-
 " deed, *while he is king, and while he is prince.*
 " But I desire no more. It is evident by
 " so much, that unless a king, deprived by
 " the Pope, cease to be a king, he is to be
 " obeyed, and that it is contrary to the law
 " of God, or flat heresy, to say the contrary,
 " even in the judgment of Bellarmin.

" Now I intreat this gentleman to reflect,
 " that whoever comes to this branch of the
 " oath, has already sworn another, in which
 " he has declared before God and the world,
 " that

" that he acknowledges there is no unkinging
 " power in the Pope; and therefore, that
 " notwithstanding the Pope's deprivation, the
 " King remains still truly King. Where-
 " fore, if he offer to disobey, or, which is
 " worse, depose such a King, he disobeys the
 " King while he is King. Which if he hold
 " to be lawful, he falls into what is by Bellar-
 " min, and of all hands, confess to be he-
 " resy."

Again (p. 19.)—" For who believes *pope-*
 " *deposing* true, has reason to check at ac-
 " knowledging *subject-deposing* heretical. He
 " who holds the former false, must think the
 " latter heresy, or renounce his faith, which
 " evidently teaches kings are to be obeyed.
 " So that, (to say what is) this exception
 " against the bare word *heretical*, is in reality
 " an invention to maintain the Pope's power
 " with less sway. Bluntly to say, that the
 " Pope can turn any king out of his kingdom,
 " sounds scurvily. Few men's consciences
 " are so depraved, that they can hear it with-
 " out check. But if people can be frightened
 " into an acknowledgment of such a power in
 " the Pope, and the port reached by a side
 " wind, the business is done every jot as ef-
 " ficaciously, and a great deal more speciously:
 " Now

" Now as heresy is on the one side an excel-
 " lent tool to work upon a timorous con-
 " science, and bring the commendation of
 " zeal to those who appear wary of it, so on
 " the other, it does the work excellently in
 " this case. To say, *subjects can depose is not*
 " *heretical*, declines the offensive harshness of
 " saying *the Pope can depose*; but yet it says it.
 " For there is no reason assigned by any, nor
 " assignable, but a power in the Pope, to ex-
 " empt it from heresy, or hinder it from being
 " acknowledged so by all the world. Mani-
 " festly then, this seeming exception against
 " the word *heretical*, is in truth an assertion
 " of the Pope's deposing power."

Thus have I traced to the Revolution, the
 distinction between *Protesting Catholics* and
Papists, which first took place on the publish-
 ing of the bull of Pius. When the house of
 Stuart had been driven from the throne of this
 country, the Catholics uniformly professed
 and maintained their allegiance to the ab-
 dicated family. It does not fall within my
 compass to discuss the propriety of their con-
 duct on this occasion. This however will be
 allowed, by those who may be the most in-
 clined to blame them, that the refusal to give
 their

their allegiance to the new government, was not confined to them, but was conspicuous in many protestants. For a long time, the return of the house of Stuart appeared to the Catholics the only prospect of being relieved from proscription and oppression.

The *Protesting Catholics* and *Papists* agreeing thus in their political sentiments, the former distinction between them became little noticed. Occasionally however it was apparent, as may be seen from the following instance.

In 1706 was published a pamphlet intitled — *A short way with the Papists*; it is written in the form of a dialogue, and in the conclusion, after having discussed the principles of those Catholics who uphold the pretensions of the Court of Rome, and of those who renounce them, the author requests, (p. 63.)

“ 1. That it would please our learned writers
 “ and preachers, ere they object these wicked
 “ tenets to *all* Roman Catholicks as principles
 “ of their *Church*, or their *faith*, to guide their
 “ thoughts and take their measures from
 “ those authors, who are of the loyal and
 “ sounder party of the Roman Catholicks,
 “ whom we ought to judge honest men for
 “ opposing

“ opposing those papal pretensions; contrary
 “ to their worldly interest; and not from
 “ those mercenary flatterers of the Roman
 “ Court, who are more likely to misrepresent
 “ the tenets of their Church in favour of the
 “ Pope and his Court, than to give us a sin-
 “ cere account of that Church’s true tenets,
 “ which they know to be far from favouring
 “ these upstart pretensions; which ill choice
 “ of the authors we have hitherto rely’d on,
 “ has been the main ground of all the mistakes
 “ of our learned men, and has undeservedly
 “ brought an *odium* upon them all.

“ 2. That the sounder part of the Roman
 “ Catholicks be desired to assist on their parts
 “ to make this distinction, by candidly de-
 “ claring their tenets as to the points above-
 “ mentioned, whenever the state shall think
 “ fit to require it, as also in all other fitting
 “ occasions; so to take off the general *odium*
 “ upon them *all*; this being both a duty to
 “ their governors, and their own best interest;
 “ because the *disloyal* party, while they re-
 “ main *undistinguished*, do hide their heads in
 “ the croud, and shelter themselves from be-
 “ ing discovered; by which means they pre-
 “ serve their credit at the cost of the rest,
 “ who

" who lose theirs by being blended with them,
 " and found consoled with such bad com-
 " pany. Whence the state not being able to
 " discern who are worthy to be protected and
 " cherish'd, who not, is forc'd to bear them-
 " selves with some severity, equally and in-
 " differently towards the well-deserving and
 " ill-deserving parties; whereas, otherwise,
 " it were but just and fitting that that party,
 " which was the *sole* occasion of making those
 " penal laws, in the time of Q. Elizabeth, and
 " of the more merciful resentments since, as
 " also of the general *odium* to all of that pro-
 " fession, should *alone* feel the weight of those
 " laws made then, and those hardships they
 " have suffered since*."

" That

* I must take the liberty of remarking, that I do not
 agree with this author, in wishing that any party may
 feel the effects of penal laws or disabling statutes. How-
 ever absurd the opinion of papal infallibility may be,
 and however pernicious in its consequences; how abo-
 minable soever may be the doctrine of the deposing power;
 I have no hesitation in saying that I think that, as far as
 they are opinions, they ought not to be punishable by the
 civil magistrate. Should an absurd believer in papal in-
 fallibility, be induced, in consequence of such a bull as
 that of Pius the 5th, to lift his hand against his sove-
 reign, he would deserve the punishment of a traitor; but

" 3. That the distinction being made, and
 " by degrees growing to be manifestly known,
 " we Protestants should begin to leave off the
 " branding them *all* with the hateful name of
 " PAPISTS: it being an odious nick-name to
 " those who *ever did*, and *still do* disclaim all
 " those tenets that are truly *popish*, and only
 " can offend our state, which declares against
 " persecuting tender consciences, for holding
 " such other points as do not entrench upon
 " the government, or tend to make them
 " worse subjects."

the mere holding an opinion, although a magistrate may
 perceive that evil consequences may be drawn from it,
 ought not to subject a person to penalties.

Such

Such was the state of the Catholics for many years after the Revolution. Their former distinction, which arose from their opposition or adherence to papal pretensions, appeared to be absorbed in the general cause of Jacobitism, which was supported by both parties. At length, the hopes of the abdicated family appeared totally groundless, and all parties in the kingdom united in giving their allegiance to the house of Brunswick. A favourable opportunity offered itself in 1778 for the Catholics to declare their adherence to the laws, which settled the succession of the crown in his Majesty's family. This they did by an address they then presented to his Majesty, in which they acknowledge his title to the crown of this realm, and moreover declare, "that their *dissent* * from the "legal establishment in matters of religion, is "purely conscientious; and that they hold

Present
state of
the Ca-
tholics.

* After this assertion, by which the whole body of Catholics declare themselves *Dissenters from the establishment*, it is wonderful that any offence should have been taken at the appellation of *Catholic Dissenters*.—After all, this is no new appellation; our ancestors were called *Catholic Dissenters* in the reign of James II. in publications, which were printed by authority.—It gave no offence at that time.

“no opinions adverse to his Majesty’s government, or repugnant to their duties as good citizens.” Soon after, an oath was framed, in which they testified their allegiance to his Majesty and his heirs, and utterly renounced the power of the Pope to depose princes.—Thus, for the first time, did the whole body of English Catholics reject the *deposing power*, and the *papist* party was, it was hoped, totally annihilated. It was evident that the oath then taken, contained in it the clause condemned three times by Paul V. by Urban VIII. Innocent X. and Alexander VII. In opposition to these repeated condemnations, one of which ordered them to be deprived of their faculties, did the ecclesiastical superiors and their clergy come forward, and take the oath. The English Catholics rejoiced at seeing the integrity of their ancestors thus vindicated, and the whole body of their clergy becoming *protesting Catholics*. This joy was still more confirmed, when in 1789 they again came forward and signed a *protest*, in which all the pernicious principles imputed to, or at any time held by *papists*, were utterly disclaimed. The moment was then come they said, when there would be no longer any distinction between them and their fellow-

fellow-subjects, except in matters purely conscientious. The rights of conscience they knew were too well understood, to remain long violated: they knew therefore that this justification of their principles, must soon be followed by a relief from oppression.—It was a moment of general joy.

Unfortunately, soon after this period, it appeared that the *papist* party was not totally extinct. This was evident by the circulation of *Encyclical letters* from the Vicars Apostolic, the immediate delegates of the Court of Rome. Fearful of diminishing the papal prerogatives, which in their pontifical oath they had sworn to *increase*, they refused to swear to what they had signed, and condemned a new form of oath, proposed to be taken by the English Catholics.

In these *Encyclical letters*, the Vicars Apostolic require an implicit submission to their decisions, and *determine that no oath can lawfully be taken, that has not been approved by them**.—Whoever considers the situation of the persons who signed this mandate, must be sensible that no more submission is due from

* See *Encyclical letter* signed by three Apostolical Vicars, dated Jan. 19. 1791.

the Catholics of this country to them, than is due from them to the Pope, whose vicars they are, and who alone, in the present system, can claim to be the bishop of the English Catholics. It behoves us therefore to consider how far these vicars comply with the mandates of their immediate superior. Their agent and champion thus instructs us*; "Your inferior pastors themselves are no longer to be attended to, when they presume to teach a different doctrine from that of their prelates, in whose name and by whose authority alone they teach."—On this ground let us examine the conduct of these vicars of the Pope.

I have sufficiently shewn from the briefs themselves, and the testimonies of contemporary writers, that the renunciation of the *deposing power* was three times condemned by Paul V. and that subsequent Popes repeated this sentence. By the third brief of Paul, all ecclesiastics, who may incur the censure of this condemnation, are to be deprived of all the faculties, which they have received from the See of Rome. The present Vicars Apostolic have however by the oath of 1778,

* *Divine Right of Episcopacy*, p. 115.

renounced.

renounced the *deposing power*, in opposition to these repeated mandates of *their immediate superiors*, and are therefore subject to all the penalties enacted in them. On what ground then can they demand implicit obedience to their ordinances, when they act in direct opposition to their own immediate superiors! *

The

* The three Vicars Apostolic. at the time when they demanded implicit submission to their decisions, not only had renounced the *deposing power*, but tendered to the legislature a form of oath, signed by their names, in which is the following clause. “ And I do swear that I do from
“ my heart abhor and abjure that *impious, heretical* and
“ *damnable* doctrine and position, that princes excommu-
“ nicated, or deprived by the Pope or any authority of
“ the See of Rome may be murdered by their subjects,
“ or any other person whatsoever: also that *false, scan-*
“ *dalous, seditious, traitorous* doctrine and position, that
“ princes excommunicated by the aforesaid Pope or
“ authority of the See of Rome, may be deposed by their
“ subjects or any other person.”

We have seen that Monsignor Ghilini in 1768 declared, that the position, which asserts, that a prince excommunicated by the Pope, may be deposed by his subjects, is defended and maintained by most Catholic nations, and has been often followed in practice by the Apostolic See. It cannot therefore, he says, be declared *detestable* and *abominable* by a Catholic, without incurring, by such declaration, the imputation of a proposition *rash, false, scandalous and injurious to the Holy See*.—Here then we see

The briefs of Paul, and of Urban are in full force, till they are recalled by their successors; this they have not been; on the contrary they have been confirmed by Innocent

see on the one hand, Apostolic Vicars declaring, and exhorting us to declare upon oath, that a proposition is *false, scandalous and seditious*, and on the other hand a Nuncio, who is their superior, declaring that we cannot assert such a proposition to be *detestable*, without uttering a *false and scandalous* proposition. He moreover advises us not to follow in this the example of *our own pastors*, but to hearken to the *salutary doctrine of our true father and supreme pastor*, which he delivers.

In this dilemma, what course are the Catholics of this country to take? Both parties claim from us implicit obedience to their decisions, both speak in the name of, and by the authority of the Pope. If we examine which of them delivers the genuine doctrine of this Pope, we shall evidently see that we hear it from the Nuncio; if we attend to the rank and situation of the person who gives the decision, we shall find that the Nuncio has the advantage: yet if we follow his decision, we may become traitors to our king. What then becomes of the principle of blind submission? The absurdity of it is evident, and Catholics will, it is to be hoped, always follow their own judgment, which is a better guide than the mandates of either Apostolic Vicars or Nuncios.—This contradiction between their principle and practice, was not probably perceived by the three Apostolic Vicars, whom I am glad to see thus at variance with the pretensions of the Court of Rome.

and

and Alexander. Until then these vicars can produce from their immediate superior a revocation of these condemnations, or an explicit approbation of the oath they have taken, *they presume to teach a different doctrine from that of the prelate, in whose name, and by whose authority alone they teach, and, according to the writer above quoted, are no longer to be attended to.*

It is not sufficient in this case to say that the oath of 1778 has not been condemned at Rome; the denial of the *deposing power*, which it contains, has been repeatedly there condemned: nor do Popes always give an immediate condemnation of what they deem reprehensible. This was evident in the case of the *Irish remonstrance*, which was not censured, when presented by the English Catholics to Parliament, nor till many years after.—It is necessary for the Vicars Apostolic, to clear themselves from the repeated condemnations and censures of the See of Rome, to produce an explicit approbation of the oath they have taken, and which they have declared to the Catholics to be lawful. Till this is done, there is the utmost inconsistency in demanding that we should pay attention to their approbation or condemnation of an oath.

Besides the principle contained in the above cited Encyclical letters, *viz.* the *principle of unconditional submission to ecclesiastical mandates*, the long exploded opinion of *papal infallibility* has been endeavoured to be palm-ed upon the English Catholics. The feeble and absurd manner, in which this extravagant opinion has been brought forward, and the good sense of the Catholics of this country, have prevented its spreading to any great extent. The folly of this opinion must be evident to any person who considers the consequence necessarily deduced from it. These *infallible pontiffs* have often declared that it is sinful, that it is a renunciation of the Catholic faith, to deny their right to *depose* princes: how then is it possible to reconcile the admission of one with the renunciation of the other? It is true, the few who maintain this absurd opinion in this country, have renounced the *deposing power*: but with what consistency they do this, is not easily perceptible. Inconsistency however is the concomitant of error.

It is amusing to observe the writers of the *papist* party, when they are unwilling to deliver their principles explicitly, from a consciousness

sciousness that they will not bear the light, appealing to the conduct of our ancestors. The conduct of those Catholics, who in the reign of Elizabeth adhered to their allegiance, is a favourite topic with these men. This instance is unfortunately adduced by those, who demand from us an implicit obedience to the commands of Ecclesiastical superiors. The Catholics, who in the reign of Elizabeth, adhered to their allegiance, acted in direct opposition to the mandates of the *infallible* pontiff and of his delegate Cardinal Allen, their immediate ecclesiastical superior. Pius and Sixtus both forbade them to obey their Queen, while that superior enforced these decrees by his own admonitions: for he was not, like the Roman delegates of the present day, at variance with his superiors. He and they both taught and inculcated the same doctrine: *that the Catholics could not conscientiously obey the Queen, or any civil magistrate put over them by her authority.*

The English Catholics were then only good subjects, inasmuch as they acted in direct opposition to the commands of their ecclesiastical superiors. No Catholic, who admitted *papal infallibility*, or submitted to ecclesiastical mandates,

dates, could, in the reign of Queen Elizabeth, have preserved his allegiance to his sovereign, or fidelity to his country.

Such have always been the absurdity, and evil tendency of *papistie principles*. In the case I have mentioned, a compliance with them must have made our ancestors traitors to their Queen and country.

Feeble as the attempt of inculcating papal infallibility, and implicit submission to ecclesiastical mandates may hitherto have been, it behoves the Catholics of this country to be upon their guard against the spreading of such principles. Let them be aware that nothing can so soon overturn their religion, as substituting these erroneous guides in lieu of the certain rule of faith and conduct delivered in the word of God.—Let them recollect that those amongst our ancestors, who protested against, and acted in direct opposition to, these principles, extort respect even from the modern *papist* writers themselves*. The tenet of unconditional submission, in the reign of Elizabeth, made traitors of as many Roman Catholics, as adopted it: it prevented, in the

* See *Divine Right of Episcopacy*, p. 95.

reign of James, the whole body of Catholics from taking the *oath of allegiance*: it caused them in the reign of Charles to give up the denial of the *deposing power* contained in the three negative propositions: it prevented the Irish, after the Restoration, from signing the *Remonstrance*. This principle in fine caused and perpetuated all the penal laws, under which we have so long suffered; it brought destruction on the heads of our ancestors, and penalties, odium and defamation on their posterity, and would, a few months past, have prevented our emancipation from them, had we not acted in opposition to it.

T H E E N D.

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THE END.